

Representative Ken Ivory proposes the following substitute bill:

**STATE TRAINING AND CERTIFICATION
REQUIREMENTS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts requirements related to certain training and certification required of public officials, employees, and volunteers.

Highlighted Provisions:

This bill:

- requires that certain training and certification required of public officials, employees, and volunteers be presented or available in an online web-based format, unless the training or certification includes a physical or interactive component that can only be completed in person; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-2-2, as last amended by Laws of Utah 2011, Chapter 383



- 26 **9-1-201**, as last amended by Laws of Utah 2014, Chapter 371
- 27 **11-13-225**, as enacted by Laws of Utah 2015, Chapter 265
- 28 **13-1-2**, as last amended by Laws of Utah 2010, Chapter 278
- 29 **17B-1-312**, as last amended by Laws of Utah 2016, Chapter 273
- 30 **19-1-201**, as last amended by Laws of Utah 2015, Chapters 441 and 453
- 31 **26-1-30**, as last amended by Laws of Utah 2015, Chapter 73
- 32 **31A-2-201**, as last amended by Laws of Utah 2010, Chapter 68
- 33 **32B-2-207**, as last amended by Laws of Utah 2012, Chapter 365
- 34 **34A-6-109**, as renumbered and amended by Laws of Utah 1997, Chapter 375
- 35 **35A-1-104**, as last amended by Laws of Utah 2016, Chapters 133 and 296
- 36 **41-6a-303**, as last amended by Laws of Utah 2010, Chapter 299
- 37 **52-4-104**, as enacted by Laws of Utah 2006, Chapter 263
- 38 **53-1-106**, as last amended by Laws of Utah 2013, Chapter 295
- 39 **53A-1-401**, as last amended by Laws of Utah 2016, Chapter 232
- 40 **53B-1-103**, as last amended by Laws of Utah 2016, Chapter 236
- 41 **53D-1-303**, as enacted by Laws of Utah 2014, Chapter 426
- 42 **59-2-702**, as last amended by Laws of Utah 2001, Chapter 214
- 43 **59-2-1001**, as last amended by Laws of Utah 2013, Chapter 180
- 44 **62A-1-111**, as last amended by Laws of Utah 2016, Chapter 296
- 45 **63F-1-104**, as last amended by Laws of Utah 2016, Chapter 13
- 46 **63G-6a-303**, as repealed and reenacted by Laws of Utah 2016, Chapter 355
- 47 **64-13-6**, as last amended by Laws of Utah 2016, Chapter 243
- 48 **67-3-1**, as last amended by Laws of Utah 2015, Chapter 174
- 49 **67-5-1**, as last amended by Laws of Utah 2016, Chapter 120
- 50 **67-5a-1**, as last amended by Laws of Utah 2001, Chapter 131
- 51 **67-5b-102**, as last amended by Laws of Utah 2016, Chapter 290
- 52 **67-19-6**, as last amended by Laws of Utah 2015, Chapter 175
- 53 **67-19e-110**, as enacted by Laws of Utah 2016, Chapter 237
- 54 **71-8-2**, as last amended by Laws of Utah 2016, Chapters 68, 230, and 252
- 55 **72-1-201**, as last amended by Laws of Utah 2016, Chapter 137
- 56 **76-9-907**, as enacted by Laws of Utah 2009, Chapter 86

57 **78A-2-107**, as renumbered and amended by Laws of Utah 2008, Chapter 3

58 **78B-6-204**, as last amended by Laws of Utah 2011, Chapter 51

59 **79-2-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344

60 ENACTS:

61 **7-1-212**, Utah Code Annotated 1953

62 **10-1-204**, Utah Code Annotated 1953

63 **17-50-108**, Utah Code Annotated 1953

64 **63A-1-117**, Utah Code Annotated 1953

65 **63G-21-101**, Utah Code Annotated 1953

66 **63G-21-102**, Utah Code Annotated 1953

67 **63G-21-103**, Utah Code Annotated 1953



69 *Be it enacted by the Legislature of the state of Utah:*

70 Section 1. Section **4-2-2** is amended to read:

71 **4-2-2. Functions, powers, and duties of department -- Fees for services --**

72 **Marketing orders -- Procedure.**

73 (1) The department shall:

74 (a) inquire into and promote the interests and products of agriculture and its allied
75 industries;

76 (b) promote methods for increasing the production and facilitating the distribution of
77 the agricultural products of the state;

78 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
79 among livestock and the means for their prevention and cure; and

80 (ii) initiate, implement, and administer plans and programs to prevent the spread of
81 diseases among livestock;

82 (d) encourage experiments designed to determine the best means and methods for the
83 control of diseases among domestic and wild animals;

84 (e) issue marketing orders for any designated agricultural product to:

85 (i) promote orderly market conditions for any product;

86 (ii) give the producer a fair return on the producer's investment at the marketplace; and

87 (iii) only promote and not restrict or restrain the marketing of Utah agricultural

88 commodities;

89 (f) administer and enforce all laws assigned to the department by the Legislature;

90 (g) establish standards and grades for agricultural products and fix and collect
91 reasonable fees for services performed by the department in conjunction with the grading of
92 agricultural products;

93 (h) establish operational standards for any establishment that manufactures, processes,
94 produces, distributes, stores, sells, or offers for sale any agricultural product;

95 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
96 rules necessary for the effective administration of the agricultural laws of the state;

97 (j) when necessary, make investigations, subpoena witnesses and records, conduct
98 hearings, issue orders, and make recommendations concerning all matters related to
99 agriculture;

100 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
101 private or public place that may become infested or infected with harmful insects, plant
102 diseases, noxious or poisonous weeds, or other agricultural pests;

103 (ii) establish and enforce quarantines;

104 (iii) issue and enforce orders and rules for the control and eradication of pests,
105 wherever they may exist within the state; and

106 (iv) perform other duties relating to plants and plant products considered advisable and
107 not contrary to law;

108 (l) inspect apiaries for diseases inimical to bees and beekeeping;

109 (m) take charge of any agricultural exhibit within the state, if considered necessary by
110 the department, and award premiums at that exhibit;

111 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,
112 Conservation Commission Act, and administer and disburse any funds available to assist
113 conservation districts in the state in the conservation of the state's soil and water resources;

114 (o) participate in the United States Department of Agriculture certified agricultural
115 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

116 (p) promote and support the multiple use of public lands; [~~and~~]

117 (q) ensure that any training or certification required of a public official or public
118 employee, as those terms are defined in Section [63G-21-102](#), complies with Title 63G, Chapter

119 21, State Training and Certification Requirements, if the training or certification is required:

120 (i) under this title;

121 (ii) by the department; or

122 (iii) by an agency or division within the department; and

123 [~~(r)~~] (r) perform any additional functions, powers, and duties provided by law.

124 (2) The department, by following the procedures and requirements of Section
125 [63J-1-504](#), may adopt a schedule of fees assessed for services provided by the department.

126 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:

127 (i) the department gives notice of the proposed order to the producers and handlers of
128 the affected product;

129 (ii) the commissioner conducts a hearing on the proposed order; and

130 (iii) at least 50% of the registered producers and handlers of the affected products vote
131 in favor of the proposed order.

132 (b) (i) The department may establish boards of control to administer marketing orders
133 and the proceeds derived from any order.

134 (ii) The board of control shall:

135 (A) ensure that all proceeds are placed in an account in the board of control's name in a
136 depository institution; and

137 (B) ensure that the account is annually audited by an accountant approved by the
138 commissioner.

139 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
140 deposited in the General Fund as dedicated credits for the grain grading program.

141 Section 2. Section **7-1-212** is enacted to read:

142 **7-1-212. Compliance with training and certification requirements.**

143 The department shall ensure that any training or certification required of a public
144 official or public employee, as those terms are defined in Section [63G-21-102](#), complies with
145 Title 63G, Chapter 21, State Training and Certification Requirements, if the training or
146 certification is required:

147 (1) under this title;

148 (2) by the department; or

149 (3) by an agency or division within the department.

150 Section 3. Section **9-1-201** is amended to read:

151 **9-1-201. Department of Heritage and Arts -- Creation -- Powers and duties.**

152 (1) There is created the Department of Heritage and Arts.

153 (2) The department shall:

154 (a) be responsible for preserving and promoting the heritage of the state, the arts in the
155 state, and cultural development within the state;

156 (b) perform heritage, arts, and cultural development planning for the state;

157 (c) coordinate the program plans of the various divisions within the department;

158 (d) administer and coordinate all state or federal grant programs which are, or become,
159 available for heritage, arts, and cultural development;

160 (e) administer any other programs over which the department is given administrative
161 supervision by the governor;

162 (f) submit an annual written report to the governor and the Legislature as described in
163 Section [9-1-208](#); ~~and~~

164 (g) ensure that any training or certification required of a public official or public
165 employee, as those terms are defined in Section [63G-21-102](#), complies with Title 63G, Chapter
166 21, State Training and Certification Requirements, if the training or certification is required:

167 (i) under this title;

168 (ii) by the department; or

169 (iii) by an agency or division within the department; and

170 [~~g~~] (h) perform any other duties as provided by the Legislature.

171 (3) The department may solicit and accept contributions of money, services, and
172 facilities from any other sources, public or private, but may not use those contributions for
173 publicizing the exclusive interest of the donor.

174 (4) Money received under Subsection (3) shall be deposited in the General Fund as
175 restricted revenues of the department.

176 Section 4. Section **10-1-204** is enacted to read:

177 **10-1-204. Training requirements.**

178 A municipality shall ensure that any training that the municipality requires of a
179 municipal officer or employee complies with Title 63G, Chapter 21, State Training and
180 Certification Requirements.

181 Section 5. Section **11-13-225** is amended to read:

182 **11-13-225. Establishment of interlocal entity personnel system.**

183 (1) An interlocal entity shall establish a system of personnel administration for the
184 interlocal entity as provided in this section.

185 (2) The interlocal entity shall administer the system described in Subsection (1) in a
186 manner that will effectively provide for:

187 (a) recruiting, selecting, and advancing employees on the basis of the employee's
188 relative ability, knowledge, and skills, including open consideration of qualified applicants for
189 initial appointment;

190 (b) equitable and adequate compensation;

191 (c) employee training as needed to assure high-quality performance;

192 (d) (i) retaining an employee on the basis of the adequacy of the employee's
193 performance; and

194 (ii) separation of an employee whose inadequate performance cannot be corrected;

195 (e) fair treatment of an applicant or employee in all aspects of personnel administration
196 without regard to race, color, religion, sex, national origin, political affiliation, age, or
197 disability, and with proper regard for the applicant's or employee's privacy and constitutional
198 rights; and

199 (f) a formal procedure for processing the appeals and grievances of an employee
200 without discrimination, coercion, restraint, or reprisal.

201 (3) An interlocal entity shall ensure that any employee training described in Subsection
202 (2)(c) complies with Title 63G, Chapter 21, State Training and Certification Requirements.

203 Section 6. Section **13-1-2** is amended to read:

204 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**
205 **Commerce Service Account.**

206 (1) (a) There is created the Department of Commerce.

207 (b) The department shall:

208 (i) execute and administer state laws regulating business activities and occupations
209 affecting the public interest[-]; and

210 (ii) ensure that any training or certification required of a public official or public
211 employee, as those terms are defined in Section [63G-21-102](#), complies with Title 63G, Chapter

212 21, State Training and Certification Requirements, if the training or certification is required:

213 (A) under this title;

214 (B) by the department; or

215 (C) by an agency or division within the department.

216 (2) Within the department the following divisions are created:

217 (a) the Division of Occupational and Professional Licensing;

218 (b) the Division of Real Estate;

219 (c) the Division of Securities;

220 (d) the Division of Public Utilities;

221 (e) the Division of Consumer Protection; and

222 (f) the Division of Corporations and Commercial Code.

223 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of
224 fees assessed for services provided by the department by following the procedures and
225 requirements of Section [63J-1-504](#).

226 (b) The department shall submit each fee established in this manner to the Legislature
227 for its approval as part of the department's annual appropriations request.

228 (c) (i) There is created a restricted account within the General Fund known as the
229 "Commerce Service Account."

230 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by
231 each division and by the department.

232 (iii) At the end of each fiscal year, the director of the Division of Finance shall transfer
233 into the General Fund any fee collections that are greater than the legislative appropriations
234 from the Commerce Service Account for that year.

235 (d) The department may not charge or collect a fee or expend money from the
236 restricted account without approval by the Legislature.

237 Section 7. Section **17-50-108** is enacted to read:

238 **17-50-108. Training requirements.**

239 A county shall ensure that any training that the county requires of a county officer or
240 employee complies with Title 63G, Chapter 21, State Training and Certification Requirements.

241 Section 8. Section **17B-1-312** is amended to read:

242 **17B-1-312. Training for board members.**

243 (1) (a) Each member of a board of trustees of a local district shall, within one year after
244 taking office, complete the training described in Subsection (2).

245 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local
246 district takes office each time the member is elected or appointed to a new term, including an
247 appointment to fill a midterm vacancy in accordance with Subsection 17B-1-303(5) or (6).

248 (2) In conjunction with the Utah Association of Special Districts, the state auditor
249 shall:

250 (a) develop a training curriculum for the members of local district boards; ~~and~~

251 (b) with the assistance of other state offices and departments the state auditor considers
252 appropriate and at times and locations established by the state auditor, carry out the training of
253 members of local district boards[-]; and

254 (c) ensure that any training required under this Subsection (2) complies with Title 63G,
255 Chapter 21, State Training and Certification Requirements.

256 (3) (a) A local district board of trustees may compensate each member of the board up
257 to \$100 per day for each day of training described in Subsection (2) that the member completes.

258 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other
259 amounts of compensation and expense reimbursement authorized under this chapter.

260 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board
261 member more than once per year.

262 (4) The state auditor shall issue a certificate of completion to each board member that
263 completes the training described in Subsection (2).

264 Section 9. Section 19-1-201 is amended to read:

265 **19-1-201. Powers and duties of department -- Rulemaking authority --**
266 **Committee.**

267 (1) The department shall:

268 (a) enter into cooperative agreements with the Department of Health to delineate
269 specific responsibilities to assure that assessment and management of risk to human health
270 from the environment are properly administered;

271 (b) consult with the Department of Health and enter into cooperative agreements, as
272 needed, to ensure efficient use of resources and effective response to potential health and safety
273 threats from the environment, and to prevent gaps in protection from potential risks from the

274 environment to specific individuals or population groups;

275 (c) coordinate implementation of environmental programs to maximize efficient use of
276 resources by developing, in consultation with local health departments, a Comprehensive
277 Environmental Service Delivery Plan that:

278 (i) recognizes that the department and local health departments are the foundation for
279 providing environmental health programs in the state;

280 (ii) delineates the responsibilities of the department and each local health department
281 for the efficient delivery of environmental programs using federal, state, and local authorities,
282 responsibilities, and resources;

283 (iii) provides for the delegation of authority and pass through of funding to local health
284 departments for environmental programs, to the extent allowed by applicable law, identified in
285 the plan, and requested by the local health department; and

286 (iv) is reviewed and updated annually; [~~and~~]

287 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
288 Rulemaking Act, as follows:

289 (i) for a board created in Section 19-1-106, rules regarding:

290 (A) board meeting attendance; and

291 (B) conflicts of interest procedures; and

292 (ii) procedural rules that govern:

293 (A) an adjudicative proceeding, consistent with Section 19-1-301; and

294 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5[-]; and

295 (e) ensure that any training or certification required of a public official or public

296 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
297 21, State Training and Certification Requirements, if the training or certification is required:

298 (i) under this title;

299 (ii) by the department; or

300 (iii) by an agency or division within the department.

301 (2) The department shall establish a committee that consists of:

302 (a) the executive director or the executive director's designee;

303 (b) two representatives of the department appointed by the executive director; and

304 (c) three representatives of local health departments appointed by a group of all the

305 local health departments in the state.

306 (3) The committee established in Subsection (2) shall:

307 (a) review the allocation of environmental quality resources between the department
308 and the local health departments;

309 (b) evaluate department policies that affect local health departments;

310 (c) consider policy changes proposed by the department or by local health departments;

311 (d) coordinate the implementation of environmental quality programs to maximize
312 environmental quality resources; and

313 (e) review each department application for any grant from the federal government that
314 affects a local health department before the department submits the application.

315 (4) The committee shall create bylaws to govern the committee's operations.

316 (5) The department may:

317 (a) investigate matters affecting the environment;

318 (b) investigate and control matters affecting the public health when caused by
319 environmental hazards;

320 (c) prepare, publish, and disseminate information to inform the public concerning
321 issues involving environmental quality;

322 (d) establish and operate programs, as authorized by this title, necessary for protection
323 of the environment and public health from environmental hazards;

324 (e) use local health departments in the delivery of environmental health programs to
325 the extent provided by law;

326 (f) enter into contracts with local health departments or others to meet responsibilities
327 established under this title;

328 (g) acquire real and personal property by purchase, gift, devise, and other lawful
329 means;

330 (h) prepare and submit to the governor a proposed budget to be included in the budget
331 submitted by the governor to the Legislature;

332 (i) (i) establish a schedule of fees that may be assessed for actions and services of the
333 department according to the procedures and requirements of Section 63J-1-504; and

334 (ii) in accordance with Section 63J-1-504, all fees shall be reasonable, fair, and reflect
335 the cost of services provided;

336 (j) prescribe by rule reasonable requirements not inconsistent with law relating to
337 environmental quality for local health departments;

338 (k) perform the administrative functions of the boards established by Section 19-1-106,
339 including the acceptance and administration of grants from the federal government and from
340 other sources, public or private, to carry out the board's functions;

341 (l) upon the request of any board or a division director, provide professional, technical,
342 and clerical staff and field and laboratory services, the extent of which are limited by the funds
343 available to the department for the staff and services; and

344 (m) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
345 that the person paying the fee agrees by contract to be charged for the service in order to
346 efficiently utilize department resources, protect department permitting processes, address
347 extraordinary or unanticipated stress on permitting processes, or make use of specialized
348 expertise.

349 (6) In providing service under Subsection (5)(m), the department may not provide
350 service in a manner that impairs any other person's service from the department.

351 Section 10. Section 26-1-30 is amended to read:

352 **26-1-30. Powers and duties of department.**

353 The department shall exercise the following powers and duties, in addition to other
354 powers and duties established in this chapter:

355 (1) enter into cooperative agreements with the Department of Environmental Quality to
356 delineate specific responsibilities to assure that assessment and management of risk to human
357 health from the environment are properly administered;

358 (2) consult with the Department of Environmental Quality and enter into cooperative
359 agreements, as needed, to ensure efficient use of resources and effective response to potential
360 health and safety threats from the environment, and to prevent gaps in protection from potential
361 risks from the environment to specific individuals or population groups;

362 (3) promote and protect the health and wellness of the people within the state;

363 (4) establish, maintain, and enforce rules necessary or desirable to carry out the
364 provisions and purposes of this title to promote and protect the public health or to prevent
365 disease and illness;

366 (5) investigate and control the causes of epidemic, infectious, communicable, and other

367 diseases affecting the public health;

368 (6) provide for the detection, reporting, prevention, and control of communicable,
369 infectious, acute, chronic, or any other disease or health hazard which the department considers
370 to be dangerous, important, or likely to affect the public health;

371 (7) collect and report information on causes of injury, sickness, death, and disability
372 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
373 the state;

374 (8) collect, prepare, publish, and disseminate information to inform the public
375 concerning the health and wellness of the population, specific hazards, and risks that may affect
376 the health and wellness of the population and specific activities which may promote and protect
377 the health and wellness of the population;

378 (9) establish and operate programs necessary or desirable for the promotion or
379 protection of the public health and the control of disease or which may be necessary to
380 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
381 programs may not be established if adequate programs exist in the private sector;

382 (10) establish, maintain, and enforce isolation and quarantine, and for this purpose
383 only, exercise physical control over property and individuals as the department finds necessary
384 for the protection of the public health;

385 (11) close theaters, schools, and other public places and forbid gatherings of people
386 when necessary to protect the public health;

387 (12) abate nuisances when necessary to eliminate sources of filth and infectious and
388 communicable diseases affecting the public health;

389 (13) make necessary sanitary and health investigations and inspections in cooperation
390 with local health departments as to any matters affecting the public health;

391 (14) establish laboratory services necessary to support public health programs and
392 medical services in the state;

393 (15) establish and enforce standards for laboratory services which are provided by any
394 laboratory in the state when the purpose of the services is to protect the public health;

395 (16) cooperate with the Labor Commission to conduct studies of occupational health
396 hazards and occupational diseases arising in and out of employment in industry, and make
397 recommendations for elimination or reduction of the hazards;

398 (17) cooperate with the local health departments, the Department of Corrections, the
399 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
400 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,
401 convicted sexual offenders, and any victims of a sexual offense;

402 (18) investigate the causes of maternal and infant mortality;

403 (19) establish, maintain, and enforce a procedure requiring the blood of adult
404 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
405 presence and concentration of alcohol;

406 (20) provide the Commissioner of Public Safety with monthly statistics reflecting the
407 results of the examinations provided for in Subsection (19) and provide safeguards so that
408 information derived from the examinations is not used for a purpose other than the compilation
409 of statistics authorized in this Subsection (20);

410 (21) establish qualifications for individuals permitted to draw blood pursuant to
411 Subsection [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), or [72-10-502\(5\)\(a\)\(vi\)](#), and to issue
412 permits to individuals it finds qualified, which permits may be terminated or revoked by the
413 department;

414 (22) establish a uniform public health program throughout the state which includes
415 continuous service, employment of qualified employees, and a basic program of disease
416 control, vital and health statistics, sanitation, public health nursing, and other preventive health
417 programs necessary or desirable for the protection of public health;

418 (23) adopt rules and enforce minimum sanitary standards for the operation and
419 maintenance of:

420 (a) orphanages;

421 (b) boarding homes;

422 (c) summer camps for children;

423 (d) lodging houses;

424 (e) hotels;

425 (f) restaurants and all other places where food is handled for commercial purposes,
426 sold, or served to the public;

427 (g) tourist and trailer camps;

428 (h) service stations;

- 429 (i) public conveyances and stations;
- 430 (j) public and private schools;
- 431 (k) factories;
- 432 (l) private sanatoria;
- 433 (m) barber shops;
- 434 (n) beauty shops;
- 435 (o) physician offices;
- 436 (p) dentist offices;
- 437 (q) workshops;
- 438 (r) industrial, labor, or construction camps;
- 439 (s) recreational resorts and camps;
- 440 (t) swimming pools, public baths, and bathing beaches;
- 441 (u) state, county, or municipal institutions, including hospitals and other buildings,
- 442 centers, and places used for public gatherings; and
- 443 (v) any other facilities in public buildings or on public grounds;
- 444 (24) conduct health planning for the state;
- 445 (25) monitor the costs of health care in the state and foster price competition in the
- 446 health care delivery system;
- 447 (26) adopt rules for the licensure of health facilities within the state pursuant to Title
- 448 26, Chapter 21, Health Care Facility Licensing and Inspection Act;
- 449 (27) license the provision of child care;
- 450 (28) accept contributions to and administer the funds contained in the Organ Donation
- 451 Contribution Fund created in Section [26-18b-101](#);
- 452 (29) serve as the collecting agent, on behalf of the state, for the nursing care facility
- 453 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
- 454 and adopt rules for the enforcement and administration of the nursing facility assessment
- 455 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;
- 456 (30) establish methods or measures for health care providers, public health entities, and
- 457 health care insurers to coordinate among themselves to verify the identity of the individuals
- 458 they serve; [~~and~~]
- 459 (31) (a) designate Alzheimer's disease and related dementia as a public health issue

460 and, within budgetary limitations, implement a state plan for Alzheimer's disease and related
461 dementia by incorporating the plan into the department's strategic planning and budgetary
462 process; and

463 (b) coordinate with other state agencies and other organizations to implement the state
464 plan for Alzheimer's disease and related dementia[-]; and

465 (32) ensure that any training or certification required of a public official or public
466 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
467 21, State Training and Certification Requirements, if the training or certification is required:

468 (a) under this title;

469 (b) by the department; or

470 (c) by an agency or division within the department.

471 Section 11. Section **31A-2-201** is amended to read:

472 **31A-2-201. General duties and powers.**

473 (1) The commissioner shall administer and enforce this title.

474 (2) The commissioner has all powers specifically granted, and all further powers that
475 are reasonable and necessary to enable the commissioner to perform the duties imposed by this
476 title.

477 (3) (a) The commissioner may make rules to implement the provisions of this title
478 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative
479 Rulemaking Act.

480 (b) In addition to the notice requirements of Section 63G-3-301, the commissioner
481 shall provide notice under Section 31A-2-303 of hearings concerning insurance department
482 rules.

483 (4) (a) The commissioner shall issue prohibitory, mandatory, and other orders as
484 necessary to secure compliance with this title. An order by the commissioner is not effective
485 unless the order:

486 (i) is in writing; and

487 (ii) is signed by the commissioner or under the commissioner's authority.

488 (b) On request of any person who would be affected by an order under Subsection
489 (4)(a), the commissioner may issue a declaratory order to clarify the person's rights or duties.

490 (5) (a) The commissioner may hold informal adjudicative proceedings and public

491 meetings, for the purpose of:

- 492 (i) investigation;
- 493 (ii) ascertainment of public sentiment; or
- 494 (iii) informing the public.

495 (b) An effective rule or order may not result from informal hearings and meetings
496 unless the requirement of a hearing under this section is satisfied.

497 (6) The commissioner shall inquire into violations of this title and may conduct any
498 examinations and investigations of insurance matters, in addition to examinations and
499 investigations expressly authorized, that the commissioner considers proper to determine:

- 500 (a) whether or not any person has violated any provision of this title; or
- 501 (b) to secure information useful in the lawful administration of this title.

502 (7) The commissioner shall ensure that any training or certification required of a public
503 official or public employee, as those terms are defined in Section 63G-21-102, complies with
504 Title 63G, Chapter 21, State Training and Certification Requirements, if the training or
505 certification is required:

- 506 (a) under this title;
- 507 (b) by the department; or
- 508 (c) by an agency or division within the department.

509 Section 12. Section **32B-2-207** is amended to read:

510 **32B-2-207. Department employees -- Requirements.**

511 (1) "Upper management" means the director, a deputy director, or other Schedule AD,
512 AR, or AS employee of the department, as defined in Section 67-19-15, except for the director
513 of internal audits and auditors hired by the director of internal audits under Section
514 32B-2-302.5.

515 (2) (a) Subject to this title, including the requirements of Chapter 1, Part 3,
516 Qualifications and Background, the director may prescribe the qualifications of a department
517 employee.

518 (b) The director may hire an employee who is upper management only with the
519 approval of four commissioners voting in an open meeting.

520 (c) Except as provided in Section 32B-1-303, the executive director may dismiss an
521 employee who is upper management after consultation with the chair of the commission.

522 (3) (a) A person who seeks employment with the department shall file with the
523 department an application under oath or affirmation in a form prescribed by the commission.

524 (b) Upon receiving an application, the department shall determine whether the
525 individual is:

526 (i) of good moral character; and

527 (ii) qualified for the position sought.

528 (c) The department shall select an individual for employment or advancement with the
529 department in accordance with Title 67, Chapter 19, Utah State Personnel Management Act.

530 (4) The following are not considered a department employee:

531 (a) a package agent;

532 (b) a licensee;

533 (c) a staff member of a package agent; or

534 (d) staff of a licensee.

535 (5) The department may not employ a minor to:

536 (a) work in:

537 (i) a state store; or

538 (ii) a department warehouse; or

539 (b) engage in an activity involving the handling of an alcoholic product.

540 (6) The department shall ensure that any training or certification required of a public
541 official or public employee, as those terms are defined in Section 63G-21-102, complies with
542 Title 63G, Chapter 21, State Training and Certification Requirements, if the training or
543 certification is required:

544 (a) under this title;

545 (b) by the department; or

546 (c) by an agency or division within the department.

547 Section 13. Section 34A-6-109 is amended to read:

548 **34A-6-109. Educational and training programs.**

549 (1) The division, after consultation with other appropriate agencies, shall conduct,
550 directly or by assistance:

551 (a) educational programs to provide an adequate supply of qualified personnel to carry
552 out the purpose of this chapter; and

553 (b) informational programs on the importance of adequate safety and health equipment.

554 (2) (a) The division is authorized to conduct, directly or by assistance, training for
555 personnel engaged in work related to its responsibilities under this chapter.

556 (b) The division shall ensure that any training described in Subsection (2)(a) complies
557 with Title 63G, Chapter 21, State Training and Certification Requirements.

558 (3) The division shall:

559 (a) establish and supervise programs for the education and training of employers and
560 employees for recognition, avoidance, and prevention of unsafe or unhealthful working
561 conditions;

562 (b) consult and advise employers and employees about effective means for prevention
563 of any work-related injury or occupational disease; and

564 (c) provide safety and health workplace surveys.

565 Section 14. Section **35A-1-104** is amended to read:

566 **35A-1-104. Department authority.**

567 Within all other authority or responsibility granted to it by law, the department may:

568 (1) adopt rules when authorized by this title, in accordance with the procedures of Title
569 63G, Chapter 3, Utah Administrative Rulemaking Act;

570 (2) purchase, as authorized or required by law, services that the department is
571 responsible to provide for legally eligible persons;

572 (3) conduct adjudicative proceedings in accordance with the procedures of Title 63G,
573 Chapter 4, Administrative Procedures Act;

574 (4) establish eligibility standards for its programs, not inconsistent with state or federal
575 law or regulations;

576 (5) take necessary steps, including legal action, to recover money or the monetary value
577 of services provided to a recipient who is not eligible;

578 (6) administer oaths, certify to official acts, issue subpoenas to compel witnesses and
579 the production of books, accounts, documents, and other records necessary as evidence;

580 (7) acquire, manage, and dispose of any real or personal property needed or owned by
581 the department, not inconsistent with state law;

582 (8) receive gifts, grants, devises, and donations or their proceeds, crediting the program
583 designated by the donor, and using the gift, grant, devise, or donation for the purposes

584 requested by the donor, as long as the request conforms to state and federal policy;
585 (9) accept and employ volunteer labor or services;
586 (10) reimburse volunteers for necessary expenses, when the department considers that
587 reimbursement to be appropriate;
588 (11) carry out the responsibility assigned by the State Workforce Services Plan
589 developed by the State Workforce Development Board;
590 (12) (a) provide training and educational opportunities for ~~its~~ the department's staff;
591 and
592 (b) ensure that any training or educational opportunity described in Subsection (12)(a)
593 complies with Title 63G, Chapter 21, State Training and Certification Requirements;
594 (13) examine and audit the expenditures of any public funds provided to a local
595 authority, agency, or organization that contracts with or receives funds from those authorities or
596 agencies;
597 (14) accept and administer grants from the federal government and from other sources,
598 public or private;
599 (15) employ and determine the compensation of clerical, legal, technical, investigative,
600 and other employees necessary to carry out its policymaking, regulatory, and enforcement
601 powers, rights, duties, and responsibilities under this title;
602 (16) establish and conduct free employment agencies, and bring together employers
603 seeking employees and working people seeking employment, and make known the
604 opportunities for employment in this state;
605 (17) collect, collate, and publish statistical and other information relating to employees,
606 employers, employments, and places of employment, and other statistics as it considers proper;
607 (18) encourage the expansion and use of apprenticeship programs meeting state or
608 federal standards for apprenticeship programs;
609 (19) develop processes to ensure that the department responds to the full range of
610 employee and employer clients;
611 (20) carry out the responsibilities assigned to it by statute; and
612 (21) administer the Safety Net Initiative as described in Section [35A-3-802](#).
613 Section 15. Section **41-6a-303** is amended to read:
614 **41-6a-303. Definition of reduced speed school zone -- Operation of warning lights**

615 -- School crossing guard requirements -- Responsibility provisions -- Rulemaking
616 authority.

617 (1) As used in this section "reduced speed school zone" means a designated length of a
618 highway extending from a school zone speed limit sign with warning lights operating to an end
619 school zone sign.

620 (2) The Department of Transportation for state highways and local highway authorities
621 for highways under their jurisdiction:

622 (a) shall establish reduced speed school zones at elementary schools after written
623 assurance by a local highway authority that the local highway authority complies with
624 Subsections (3) and (4); and

625 (b) may establish reduced speed school zones for secondary schools at the request of
626 the local highway authority.

627 (3) For all reduced speed school zones on highways, including state highways within
628 the jurisdictional boundaries of a local highway authority, the local highway authority shall:

629 (a) (i) provide shuttle service across highways for school children; or

630 (ii) provide, train, and supervise school crossing guards in accordance with this
631 section;

632 (b) provide for the:

633 (i) operation of reduced speed school zones, including providing power to warning
634 lights and turning on and off the warning lights as required under Subsections (4) and (5); and

635 (ii) maintenance of reduced speed school zones except on state highways as provided
636 in Section [41-6a-302](#); and

637 (c) notify the Department of Transportation of reduced speed school zones on state
638 highways that are in need of maintenance.

639 (4) While children are going to or leaving school during opening and closing hours all
640 reduced speed school zones shall have:

641 (a) the warning lights operating on each school zone speed limit sign; and

642 (b) a school crossing guard present if the reduced speed school zone is for an
643 elementary school.

644 (5) The warning lights on a school zone speed limit sign may not be operating except
645 as provided under Subsection (4).

646 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
647 the Department of Transportation shall make rules establishing criteria and specifications for
648 the:

649 (i) establishment, location, and operation of school crosswalks, school zones, and
650 reduced speed school zones;

651 (ii) training, use, and supervision of school crossing guards at elementary schools and
652 secondary schools; and

653 (iii) content and implementation of child access routing plans under Section
654 [53A-3-402](#).

655 (b) If a school crosswalk is established at a signalized intersection in accordance with
656 the requirements of this section, a local highway authority may reduce the speed limit at the
657 signalized intersection to 20 miles per hour for a highway under its jurisdiction.

658 (7) Each local highway authority shall pay for providing, training, and supervising
659 school crossing guards in accordance with this section.

660 (8) Each local highway authority shall ensure that any training described in this section
661 complies with Title 63G, Chapter 21, State Training and Certification Requirements.

662 Section 16. Section **52-4-104** is amended to read:

663 **52-4-104. Training.**

664 (1) The presiding officer of the public body shall ensure that the members of the public
665 body are provided with annual training on the requirements of this chapter.

666 (2) The presiding officer shall ensure that any training described in Subsection (1)
667 complies with Title 63G, Chapter 21, State Training and Certification Requirements.

668 Section 17. Section **53-1-106** is amended to read:

669 **53-1-106. Department duties -- Powers.**

670 (1) In addition to the responsibilities contained in this title, the department shall:

671 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
672 Code, including:

673 (i) setting performance standards for towing companies to be used by the department,
674 as required by Section [41-6a-1406](#); and

675 (ii) advising the Department of Transportation regarding the safe design and operation
676 of school buses, as required by Section [41-6a-1304](#);

- 677 (b) make rules to establish and clarify standards pertaining to the curriculum and
678 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;
679 (c) aid in enforcement efforts to combat drug trafficking;
680 (d) meet with the Department of Technology Services to formulate contracts, establish
681 priorities, and develop funding mechanisms for dispatch and telecommunications operations;
682 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
683 Victims of Crime in conducting research or monitoring victims' programs, as required by
684 Section 63M-7-505;
685 (f) develop sexual assault exam protocol standards in conjunction with the Utah
686 Hospital Association;
687 (g) engage in emergency planning activities, including preparation of policy and
688 procedure and rulemaking necessary for implementation of the federal Emergency Planning
689 and Community Right to Know Act of 1986, as required by Section 53-2a-702; [and]
690 (h) implement the provisions of Section 53-2a-402, the Emergency Management
691 Assistance Compact[-]; and
692 (i) ensure that any training or certification required of a public official or public
693 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
694 21, State Training and Certification Requirements, if the training or certification is required:
695 (i) under this title;
696 (ii) by the department; or
697 (iii) by an agency or division within the department.
698 (2) (a) The department may establish a schedule of fees as required or allowed in this
699 title for services provided by the department.
700 (b) The fees shall be established in accordance with Section 63J-1-504.
701 (3) The department may establish or contract for the establishment of an Organ
702 Procurement Donor Registry in accordance with Section 26-28-120.
703 Section 18. Section 53A-1-401 is amended to read:
704 **53A-1-401. Powers of State Board of Education -- Adoption of rules --**
705 **Enforcement -- Attorney.**
706 (1) As used in this section:
707 (a) "Board" means the State Board of Education.

- 708 (b) "Education entity" means:
- 709 (i) an entity that receives a distribution of state funds through a grant program managed
710 by the board under this title;
- 711 (ii) an entity that enters into a contract with the board to provide an educational good or
712 service;
- 713 (iii) a school district; or
- 714 (iv) a charter school.
- 715 (c) "Educational good or service" means a good or service that is required or regulated
716 under:
- 717 (i) this title; or
- 718 (ii) a rule authorized under this title.
- 719 (d) "Local education agency" or "LEA" means:
- 720 (i) a school district;
- 721 (ii) a charter school; or
- 722 (iii) the Utah Schools for the Deaf and the Blind.
- 723 (2) (a) The State Board of Education has general control and supervision of the state's
724 public education system.
- 725 (b) "General control and supervision" as used in Utah Constitution, Article X, Section
726 3, means directed to the whole system.
- 727 (3) The board may not govern, manage, or operate school districts, institutions, and
728 programs, unless granted that authority by statute.
- 729 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
730 the board may make rules to execute the board's duties and responsibilities under the Utah
731 Constitution and state law.
- 732 (b) The board may delegate the board's statutory duties and responsibilities to board
733 employees.
- 734 (5) (a) The board may sell any interest it holds in real property upon a finding by the
735 board that the property interest is surplus.
- 736 (b) The board may use the money it receives from a sale under Subsection (5)(a) for
737 capital improvements, equipment, or materials, but not for personnel or ongoing costs.
- 738 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency

739 or institution administered by the board, the money may only be used for purposes related to
740 the agency or institution.

741 (d) The board shall advise the Legislature of any sale under Subsection (5)(a) and
742 related matters during the next following session of the Legislature.

743 (6) The board shall develop policies and procedures related to federal educational
744 programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National
745 Education Programs Act.

746 (7) On or before December 31, 2010, the State Board of Education shall review
747 mandates or requirements provided for in board rule to determine whether certain mandates or
748 requirements could be waived to remove funding pressures on public schools on a temporary
749 basis.

750 (8) (a) If an education entity violates this title or rules authorized under this title, the
751 board may, in accordance with the rules described in Subsection (8)(c):

752 (i) require the education entity to enter into a corrective action agreement with the
753 board;

754 (ii) temporarily or permanently withhold state funds from the education entity;

755 (iii) require the education entity to pay a penalty; or

756 (iv) require the education entity to reimburse specified state funds to the board.

757 (b) Except for temporarily withheld funds, if the board collects state funds under
758 Subsection (8)(a), the board shall pay the funds into the Uniform School Fund.

759 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
760 board shall make rules:

761 (i) that require notice and an opportunity to be heard for an education entity affected by
762 a board action described in Subsection (8)(a); and

763 (ii) to administer this Subsection (8).

764 (d) The board shall report criminal conduct of an education entity to the district
765 attorney of the county where the education entity is located.

766 (9) The board may audit the use of state funds by an education entity that receives
767 those state funds as a distribution from the board.

768 (10) The board may require, by rule made in accordance with Title 63G, Chapter 3,
769 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor for

770 an educational good or service, the LEA shall require in the contract that the third party
771 contractor shall provide, upon request of the LEA, information necessary for the LEA to verify
772 that the educational good or service complies with:

773 (a) this title; and

774 (b) board rule authorized under this title.

775 (11) (a) The board may appoint an attorney to provide legal advice to the board and
776 coordinate legal affairs for the board and the board's employees.

777 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
778 Attorney General.

779 (c) An attorney described in Subsection (11)(a) may not:

780 (i) conduct litigation;

781 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;

782 or

783 (iii) issue formal legal opinions.

784 (12) The board shall ensure that any training or certification that an employee of the
785 public education system is required to complete under this title or by rule complies with Title
786 63G, Chapter 21, State Training and Certification Requirements.

787 Section 19. Section **53B-1-103** is amended to read:

788 **53B-1-103. Establishment of State Board of Regents -- Powers and authority.**

789 (1) There is established a State Board of Regents.

790 (2) (a) Except as provided in Subsection (2)(b), the board is vested with the control,
791 management, and supervision of the institutions of higher education designated in Section
792 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific
793 powers and responsibilities granted to it.

794 (b) The board may only exercise powers relating to the Utah College of Applied
795 Technology and applied technology colleges within the Utah College of Applied Technology
796 that are specifically provided in this title.

797 (c) The board shall coordinate and support articulation agreements between the Utah
798 College of Applied Technology or applied technology colleges within the Utah College of
799 Applied Technology and other institutions of higher education.

800 (d) The board shall prepare and submit an annual report detailing its progress and

801 recommendations on career and technical education issues to the governor and to the
802 Legislature's Education Interim Committee by October 31 of each year, which shall include
803 information detailing:

804 (i) how the career and technical education needs of secondary students are being met
805 by institutions of higher education other than applied technology colleges within the Utah
806 College of Applied Technology, including what access secondary students have to programs
807 offered by Salt Lake Community College's School of Applied Technology, Snow College, and
808 Utah State University Eastern;

809 (ii) how the emphasis on high demand, high wage, and high skill jobs in business and
810 industry is being provided;

811 (iii) performance outcomes, including:

812 (A) entered employment;

813 (B) job retention; and

814 (C) earnings; and

815 (iv) student tuition and fees.

816 (e) Except for the Utah College of Applied Technology, the board may modify the
817 name of an institution under its control and management, as designated in Section [53B-1-102](#),
818 to reflect the role and general course of study of the institution.

819 (f) The board may not conduct a feasibility study or perform another act relating to
820 merging any of the following institutions with another institution of higher education:

821 (i) Bridgerland Applied Technology College;

822 (ii) Ogden-Weber Applied Technology College;

823 (iii) Davis Applied Technology College;

824 (iv) Tooele Applied Technology College;

825 (v) Mountainland Applied Technology College;

826 (vi) Uintah Basin Applied Technology College;

827 (vii) Southwest Applied Technology College; and

828 (viii) Dixie Applied Technology College.

829 (3) This section does not affect the power and authority vested in the State Board of
830 Education to apply for, accept, and manage federal appropriations for the establishment and
831 maintenance of career and technical education.

832 (4) The board shall conduct a study regarding the feasibility of providing a veterans'
833 walk-in center or services at each state institution of higher education. The study shall include:

834 (a) an implementation plan for providing a walk-in center or services at each institution
835 of higher education;

836 (b) criteria, based upon the size of the institution, to determine whether the institution
837 should be required to provide a walk-in center or services;

838 (c) responsibilities of the walk-in center or services;

839 (d) a notification process about the walk-in center or services to veterans upon their
840 application for admission;

841 (e) the possibility of staffing a veterans walk-in center or services with veterans,
842 including through work-study positions to be filled by veterans;

843 (f) annual reports from each walk-in center and services to the board which includes
844 summary information of veterans served; and

845 (g) funding requirements for a veterans walk-in center and services.

846 (5) Presentation of the study, including the implementation plan with funding and other
847 recommendations, shall be made to a legislative committee, commission, or task force upon
848 request no later than the October 2014 interim meeting.

849 (6) The board shall ensure that any training or certification that an employee of the
850 higher education system is required to complete under this title or by board rule complies with
851 Title 63G, Chapter 21, State Training and Certification Requirements.

852 Section 20. Section **53D-1-303** is amended to read:

853 **53D-1-303. Board authority and duties.**

854 (1) The board has broad policymaking authority over the office and the trust fund.

855 (2) (a) The board shall establish policies for the management of:

856 (i) the office, including:

857 (A) an investment management code of conduct and associated compliance policy;

858 (B) a policy for the strategic allocation of trust fund assets;

859 (C) a soft dollar policy; and

860 (D) a policy articulating the board's investment philosophy for trust fund assets; and

861 (ii) the trust fund.

862 (b) Policies that the board adopts shall:

- 863 (i) be consistent with the enabling act, the Utah Constitution, and other applicable state
864 law;
- 865 (ii) reflect undivided loyalty to the beneficiaries consistent with fiduciary duties;
- 866 (iii) be designed to prudently optimize trust fund returns and increase the value of the
867 trust fund, consistent with the balancing of short-term and long-term interests, so that the
868 fiduciary duty of intergenerational equity is met;
- 869 (iv) be designed to maintain the integrity of the trust fund and prevent the
870 misapplication of money in the trust fund;
- 871 (v) enable the board to oversee the activities of the office; and
- 872 (vi) otherwise be in accordance with standard trust principles as provided by state law.
- 873 (3) The board shall:
- 874 (a) establish a conflict of interest policy for the office and board members;
- 875 (b) establish policies governing the evaluation, selection, and monitoring of
876 independent custodial arrangements;
- 877 (c) ensure that the office is managed according to law;
- 878 (d) establish bylaws to govern the board;
- 879 (e) establish the compensation of the director;
- 880 (f) annually examine the compensation and performance of the director as part of the
881 board's budget review process;
- 882 (g) annually report the director's compensation to the Legislature; and
- 883 (h) (i) adopt policies to provide for annual training of board members regarding their
884 duties and responsibilities[-]; and
- 885 (ii) ensure that any training described in Subsection (3)(h)(i) complies with Title 63G,
886 Chapter 21, State Training and Certification Requirements.
- 887 (4) The board may:
- 888 (a) after conferring with the director:
- 889 (i) hire one or more consultants to advise the board, director, or office on issues
890 affecting the management of the trust fund; and
- 891 (ii) pay compensation to any consultant hired under Subsection (4)(a)(i), subject to
892 budgetary constraints; and
- 893 (b) submit to the director a written question or set of questions concerning policies and

894 practices affecting the management of the trust fund.

895 Section 21. Section **59-2-702** is amended to read:

896 **59-2-702. Education and training of appraisers -- Continuing education for**
897 **appraisers and county assessors.**

898 (1) The commission shall conduct, at its own expense, a program of education and
899 training of appraisal personnel preparatory to the examination of applicants for appraisers' and
900 assessors' certification or licensure required by Section [59-2-701](#).

901 (2) To ensure that the assessment of property will be performed in a professional
902 manner by competent personnel, meeting specified professional qualifications, the commission
903 shall conduct a continuing program of in-service education and training for county assessors
904 and property appraisers in the principles and practices of assessment and appraisal of property.
905 For this purpose the commission may cooperate with educational institutions, local, regional,
906 state, or national assessors' organizations, and with other appropriate professional
907 organizations. The commission may reimburse the participation expenses incurred by
908 assessors and other employees of the state or its subdivisions whose attendance at in-service
909 training programs is approved by the commission.

910 (3) The commission shall ensure that any training or continuing education required
911 under this section complies with Title 63G, Chapter 21, State Training and Certification
912 Requirements.

913 Section 22. Section **59-2-1001** is amended to read:

914 **59-2-1001. County board of equalization -- Public hearings -- Hearing officers --**
915 **Notice of decision -- Rulemaking.**

916 (1) The county legislative body is the county board of equalization and the county
917 auditor is the clerk of the county board of equalization.

918 (2) The county board of equalization shall adjust and equalize the valuation and
919 assessment of the real and personal property within the county, subject to regulation and
920 control by the commission, as prescribed by law. The county board of equalization shall meet
921 and hold public hearings each year to examine the assessment roll and equalize the assessment
922 of property in the county, including the assessment for general taxes of all taxing entities
923 located in the county.

924 (3) (a) Except as provided in Subsection (3)(d), a county board of equalization may:

925 (i) appoint an appraiser licensed in accordance with Title 61, Chapter 2g, Real Estate
926 Appraiser Licensing and Certification Act, as a hearing officer for the purpose of examining an
927 applicant or a witness; or

928 (ii) appoint an individual who is not licensed in accordance with Title 61, Chapter 2g,
929 Real Estate Appraiser Licensing and Certification Act, as a hearing officer for the purpose of
930 examining an applicant or a witness if the county board of equalization determines that the
931 individual has competency relevant to the work of a hearing officer, including competency in:

- 932 (A) real estate;
- 933 (B) finance;
- 934 (C) economics;
- 935 (D) public administration; or
- 936 (E) law.

937 (b) Except as provided in Subsection (3)(d), beginning on January 1, 2014, a county
938 board of equalization may only allow an individual to serve as a hearing officer for the
939 purposes of examining an applicant or a witness if the individual has completed a course the
940 commission:

- 941 (i) develops in accordance with Subsection (3)(c)(i); or
- 942 (ii) approves in accordance with Subsection (3)(c)(ii).

943 (c) (i) On or before January 1, 2014, the commission shall develop a hearing officer
944 training course that includes training in property valuation and administrative law.

945 (ii) In addition to the course the commission develops in accordance with Subsection
946 (3)(c)(i), the commission may approve a hearing officer training course provided by a county or
947 a private entity if the course includes training in property valuation and administrative law.

948 (iii) The commission shall ensure that any training described in this Subsection (3)(c)
949 complies with Title 63G, Chapter 21, State Training and Certification Requirements.

950 (d) A county board of equalization may not appoint a person employed by an assessor's
951 office as a hearing officer.

952 (e) A hearing officer shall transmit the hearing officer's findings to the board, where a
953 quorum shall be required for final action upon any application for exemption, deferral,
954 reduction, or abatement.

955 (4) The clerk of the board of equalization shall notify the taxpayer, in writing, of any

956 decision of the board. The decision shall include any adjustment in the amount of taxes due on
957 the property resulting from a change in the taxable value and shall be considered the corrected
958 tax notice.

959 (5) During the session of the board, the assessor or any deputy whose testimony is
960 needed shall be present and may make any statement or introduce and examine witnesses on
961 questions before the board.

962 (6) The county board of equalization may make and enforce any rule which is
963 consistent with statute or commission rule and necessary for the government of the board, the
964 preservation of order, and the transaction of business.

965 Section 23. Section **62A-1-111** is amended to read:

966 **62A-1-111. Department authority.**

967 The department may, in addition to all other authority and responsibility granted to it by
968 law:

969 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
970 desirable for providing social services to the people of this state;

971 (2) establish and manage client trust accounts in the department's institutions and
972 community programs, at the request of the client or the client's legal guardian or representative,
973 or in accordance with federal law;

974 (3) purchase, as authorized or required by law, services that the department is
975 responsible to provide for legally eligible persons;

976 (4) conduct adjudicative proceedings for clients and providers in accordance with the
977 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

978 (5) establish eligibility standards for its programs, not inconsistent with state or federal
979 law or regulations;

980 (6) take necessary steps, including legal action, to recover money or the monetary value
981 of services provided to a recipient who was not eligible;

982 (7) set and collect fees for its services;

983 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
984 or limited by law;

985 (9) acquire, manage, and dispose of any real or personal property needed or owned by
986 the department, not inconsistent with state law;

987 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
988 the proceeds thereof, may be credited to the program designated by the donor, and may be used
989 for the purposes requested by the donor, as long as the request conforms to state and federal
990 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
991 under guidelines established by the state treasurer;

992 (11) accept and employ volunteer labor or services; the department is authorized to
993 reimburse volunteers for necessary expenses, when the department considers that
994 reimbursement to be appropriate;

995 (12) carry out the responsibility assigned in the workforce services plan by the State
996 Workforce Development Board;

997 (13) carry out the responsibility assigned by Section 35A-8-602 with respect to
998 coordination of services for the homeless;

999 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to
1000 coordination of services for students with a disability;

1001 (15) provide training and educational opportunities for its staff;

1002 (16) collect child support payments and any other money due to the department;

1003 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
1004 whose child lives out of the home in a department licensed or certified setting;

1005 (18) establish policy and procedures, within appropriations authorized by the
1006 Legislature, in cases where the department is given custody of a minor by the juvenile court
1007 pursuant to Section 78A-6-117 or ordered to prepare an attainment plan for a minor found not
1008 competent to proceed pursuant to Section 78A-6-1301; any policy and procedures shall
1009 include:

1010 (a) designation of interagency teams for each juvenile court district in the state;

1011 (b) delineation of assessment criteria and procedures;

1012 (c) minimum requirements, and timeframes, for the development and implementation
1013 of a collaborative service plan for each minor placed in department custody; and

1014 (d) provisions for submittal of the plan and periodic progress reports to the court;

1015 (19) carry out the responsibilities assigned to it by statute;

1016 (20) examine and audit the expenditures of any public funds provided to local
1017 substance abuse authorities, local mental health authorities, local area agencies on aging, and

1018 any person, agency, or organization that contracts with or receives funds from those authorities
1019 or agencies. Those local authorities, area agencies, and any person or entity that contracts with
1020 or receives funds from those authorities or area agencies, shall provide the department with any
1021 information the department considers necessary. The department is further authorized to issue
1022 directives resulting from any examination or audit to local authorities, area agencies, and
1023 persons or entities that contract with or receive funds from those authorities with regard to any
1024 public funds. If the department determines that it is necessary to withhold funds from a local
1025 mental health authority or local substance abuse authority based on failure to comply with state
1026 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of
1027 services. For purposes of this Subsection (20) "public funds" means the same as that term is
1028 defined in Section [62A-15-102](#);

1029 (21) pursuant to Subsection [62A-2-106\(1\)\(d\)](#), accredit one or more agencies and
1030 persons to provide intercountry adoption services; ~~and~~

1031 (22) within appropriations authorized by the Legislature, promote and develop a
1032 system of care, as defined in Section [62A-1-104](#), within the department and with contractors
1033 that provide services to the department or any of the department's divisions[-]; and

1034 (23) ensure that any training or certification required of a public official or public
1035 employee, as those terms are defined in Section [63G-21-102](#), complies with Title 63G, Chapter
1036 21, State Training and Certification Requirements, if the training or certification is required:

1037 (a) under this title;

1038 (b) by the department; or

1039 (c) by an agency or division within the department.

1040 Section 24. Section **63A-1-117** is enacted to read:

1041 **63A-1-117. Training and certification requirements.**

1042 The department shall ensure that any training or certification required of a public
1043 official or public employee, as those terms are defined in Section [63G-21-102](#), complies with
1044 Title 63G, Chapter 21, State Training and Certification Requirements, if the training or
1045 certification is required:

1046 (1) under this title;

1047 (2) by the department; or

1048 (3) by an agency or division within the department.

1049 Section 25. Section **63F-1-104** is amended to read:

1050 **63F-1-104. Duties.**

1051 The department shall:

1052 (1) lead state executive branch agency efforts to reengineer the state's information
1053 technology architecture with the goal of coordinating central and individual agency information
1054 technology in a manner that:

1055 (a) ensures compliance with the executive branch agency strategic plan; and

1056 (b) ensures that cost-effective, efficient information and communication systems and
1057 resources are being used by agencies to:

1058 (i) reduce data, hardware, and software redundancy;

1059 (ii) improve system interoperability and data accessibility between agencies; and

1060 (iii) meet the agency's and user's business and service needs;

1061 (2) coordinate an executive branch strategic plan for all agencies;

1062 (3) each year, in coordination with the governor's office, convene a group of public and
1063 private sector information technology and data security experts to identify best practices from
1064 agencies and other public and private sector entities, including best practices for data and
1065 information technology system security standards;

1066 (4) develop and implement processes to replicate information technology best practices
1067 and standards identified in Subsection (3), throughout the executive branch;

1068 (5) by July 1, 2015, and at least once every two years thereafter:

1069 (a) evaluate the adequacy of the department's and the executive branch agencies' data
1070 and information technology system security standards through an independent third party
1071 assessment; and

1072 (b) communicate the results of the independent third party assessment to the
1073 appropriate executive branch agencies and to the president of the Senate and the speaker of the
1074 House of Representatives;

1075 (6) oversee the expanded use and implementation of project and contract management
1076 principles as they relate to information technology projects within the executive branch;

1077 (7) serve as general contractor between the state's information technology users and
1078 private sector providers of information technology products and services;

1079 (8) work toward building stronger partnering relationships with providers;

1080 (9) develop service level agreements with executive branch departments and agencies
1081 to ensure quality products and services are delivered on schedule and within budget;

1082 (10) develop standards for application development including a standard methodology
1083 and cost-benefit analysis that all agencies shall utilize for application development activities;

1084 (11) determine and implement statewide efforts to standardize data elements and
1085 determine data ownership assignments among executive branch agencies;

1086 (12) develop systems and methodologies to review, evaluate, and prioritize existing
1087 information technology projects within the executive branch and report to the governor and the
1088 Public Utilities, Energy, and Technology Interim Committee on a semiannual basis regarding
1089 the status of information technology projects; ~~and~~

1090 (13) assist the Governor's Office of Management and Budget with the development of
1091 information technology budgets for agencies~~[-]; and~~

1092 (14) ensure that any training or certification required of a public official or public
1093 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
1094 21, State Training and Certification Requirements, if the training or certification is required:

1095 (a) under this title;

1096 (b) by the department; or

1097 (c) by an agency or division within the department.

1098 Section 26. Section **63G-6a-303** is amended to read:

1099 **63G-6a-303. Duties and authority of chief procurement officer.**

1100 (1) The chief procurement officer:

1101 (a) is the director of the division;

1102 (b) serves as the central procurement officer of the state;

1103 (c) serves as a voting member of the board; and

1104 (d) serves as the protest officer for a protest relating to a procurement of an executive
1105 branch procurement unit without independent procurement authority or a state cooperative
1106 contract procurement, unless the chief procurement officer designates another to serve as
1107 protest officer, as authorized in this chapter.

1108 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:

1109 (a) develop procurement policies and procedures supporting ethical procurement
1110 practices, fair and open competition among vendors, and transparency within the state's

- 1111 procurement process;
- 1112 (b) administer the state's cooperative purchasing program, including state cooperative
1113 contracts and associated administrative fees;
- 1114 (c) enter into an agreement with a public entity for services provided by the division, if
1115 the agreement is in the best interest of the state;
- 1116 (d) ensure the division's compliance with any applicable law, rule, or policy, including
1117 a law, rule, or policy applicable to the division's role as an issuing procurement unit or
1118 conducting procurement unit, or as the state's central procurement organization;
- 1119 (e) manage the division's electronic procurement system;
- 1120 (f) oversee the recruitment, training, career development, certification requirements,
1121 and performance evaluation of the division's procurement personnel;
- 1122 (g) make procurement training available to procurement units and persons who do
1123 business with procurement units;
- 1124 (h) provide exemplary customer service and continually improve the division's
1125 procurement operations; ~~and~~
- 1126 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform
1127 all other functions authorized under this chapter~~[-]; and~~
- 1128 (j) ensure that any training described in this Subsection (2) complies with Title 63G,
1129 Chapter 21, State Training and Certification Requirements.
- 1130 (3) With respect to a procurement or contract over which the chief procurement officer
1131 has authority under this chapter, the chief procurement officer, except as otherwise provided in
1132 this chapter:
- 1133 (a) shall:
- 1134 (i) manage and supervise a procurement to ensure to the extent practicable that
1135 taxpayers receive the best value;
- 1136 (ii) prepare and issue standard specifications for procurement items;
- 1137 (iii) review contracts, coordinate contract compliance, conduct contract audits, and
1138 approve change orders;
- 1139 (iv) in accordance with Section 63F-1-205, coordinate with the Department of
1140 Technology Services, created in Section 63F-1-103, with respect to the procurement of
1141 information technology services by an executive branch procurement unit;

1142 (v) correct, amend, or cancel a procurement at any stage of the procurement process if
1143 the procurement is out of compliance with this chapter or a board rule;

1144 (vi) after consultation with the attorney general's office, correct, amend, or cancel a
1145 contract at any time during the term of the contract if:

1146 (A) the contract is out of compliance with this chapter or a board rule; and

1147 (B) the chief procurement officer determines that correcting, amending, or canceling
1148 the contract is in the best interest of the state; and

1149 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the
1150 attorney general's office; and

1151 (b) may:

1152 (i) delegate limited purchasing authority to a state agency, with appropriate oversight
1153 and control to ensure compliance with this chapter;

1154 (ii) delegate duties and authority to an employee of the division, as the chief
1155 procurement officer considers appropriate;

1156 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance
1157 with the law and after consultation with the attorney general's office;

1158 (iv) authorize a procurement unit to make a procurement pursuant to a regional
1159 solicitation, as defined in Subsection [63G-6a-2105\[\(2\)\]\(7\)](#), even if the procurement item is also
1160 offered under a state cooperative contract, if the chief procurement officer determines that the
1161 procurement pursuant to a regional solicitation is in the best interest of the acquiring
1162 procurement unit; and

1163 (v) remove an individual from the procurement process or contract administration for:

1164 (A) having a conflict of interest or the appearance of a conflict of interest with a person
1165 responding to a solicitation or with a contractor;

1166 (B) having a bias or the appearance of bias for or against a person responding to a
1167 solicitation or for or against a contractor;

1168 (C) making an inconsistent or unexplainable score for a solicitation response;

1169 (D) having inappropriate contact or communication with a person responding to a
1170 solicitation;

1171 (E) socializing inappropriately with a person responding to a solicitation or with a
1172 contractor;

1173 (F) engaging in any other action or having any other association that causes the chief
1174 procurement officer to conclude that the individual cannot fairly evaluate a solicitation
1175 response or administer a contract; or

1176 (G) any other violation of a law, rule, or policy.

1177 (4) The chief procurement officer may not delegate to an individual outside the
1178 division the chief procurement officer's authority over a procurement described in Subsection
1179 (3)(a)(iv).

1180 (5) The chief procurement officer has final authority to determine whether an executive
1181 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to
1182 expend public funds, or provision of a benefit constitutes a procurement that is subject to this
1183 chapter.

1184 (6) Except as otherwise provided in this chapter, the chief procurement officer shall
1185 review, monitor, and audit the procurement activities and delegated procurement authority of
1186 an executive branch procurement unit without independent procurement authority to ensure
1187 compliance with this chapter, rules made by the applicable rulemaking authority, and division
1188 policies.

1189 Section 27. Section **63G-21-101** is enacted to read:

1190 **CHAPTER 21. STATE TRAINING AND CERTIFICATION REQUIREMENTS**

1191 **63G-21-101. Title.**

1192 This chapter is known as "State Training and Certification Requirements."

1193 Section 28. Section **63G-21-102** is enacted to read:

1194 **63G-21-102. Definitions.**

1195 As used in this chapter:

1196 (1) "Political subdivision" means:

1197 (a) a county;

1198 (b) a municipality, as defined in Section [10-1-104](#);

1199 (c) a local district;

1200 (d) a special service district;

1201 (e) an interlocal entity, as defined in Section [11-13-103](#);

1202 (f) a community reinvestment agency;

1203 (g) a local building authority; or

1204 (h) a conservation district.

1205 (2) "Public employee" means any individual employed by or volunteering for a state
1206 agency or a political subdivision who is not a public official.

1207 (3) "Public official" means:

1208 (a) an appointed official or an elected official as those terms are defined in Section
1209 67-19-6.7; or

1210 (b) an individual elected or appointed to a county office, municipal office, school board
1211 or school district office, local district office, or special service district office.

1212 (4) "State agency" means a department, division, board, council, committee, institution,
1213 office, bureau, or other similar administrative unit of the executive branch of state government.

1214 Section 29. Section **63G-21-103** is enacted to read:

1215 **63G-21-103. State training and certification requirements.**

1216 Each state agency or political subdivision shall ensure that any training or certification
1217 that the state agency or political subdivision requires a public employee or public official to
1218 complete is presented or available in an online web-based format, which may include a live
1219 webinar, unless the training or certification includes a physical or interactive component that
1220 can only be completed in person.

1221 Section 30. Section **64-13-6** is amended to read:

1222 **64-13-6. Department duties.**

1223 (1) The department shall:

1224 (a) protect the public through institutional care and confinement, and supervision in the
1225 community of offenders where appropriate;

1226 (b) implement court-ordered punishment of offenders;

1227 (c) provide program opportunities for offenders;

1228 (d) provide treatment for sex offenders who are found to be treatable based upon
1229 criteria developed by the department;

1230 (e) provide the results of ongoing assessment of sex offenders and objective diagnostic
1231 testing to sentencing and release authorities;

1232 (f) manage programs that take into account the needs and interests of victims, where
1233 reasonable;

1234 (g) supervise probationers and parolees as directed by statute and implemented by the

1235 courts and the Board of Pardons and Parole;

1236 (h) subject to Subsection (2), investigate criminal conduct involving offenders
1237 incarcerated in a state correctional facility;

1238 (i) cooperate and exchange information with other state, local, and federal law
1239 enforcement agencies to achieve greater success in prevention and detection of crime and
1240 apprehension of criminals;

1241 (j) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
1242 Offender Supervision; ~~and~~

1243 (k) establish a case action plan for each offender as follows:

1244 (i) if an offender is to be supervised in the community, the case action plan shall be
1245 established for the offender not more than 90 days after supervision by the department begins;
1246 and

1247 (ii) if the offender is committed to the custody of the department, the case action plan
1248 shall be established for the offender not more than 120 days after the commitment~~[-]; and~~

1249 (l) ensure that any training or certification required of a public official or public
1250 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
1251 21, State Training and Certification Requirements, if the training or certification is required:

1252 (i) under this title;

1253 (ii) by the department; or

1254 (iii) by an agency or division within the department.

1255 (2) The department may in the course of supervising probationers and parolees:

1256 (a) impose graduated sanctions, as established by the Utah Sentencing Commission
1257 under Subsection 63M-7-404(6), for an individual's violation of one or more terms of the
1258 probation or parole; and

1259 (b) upon approval by the court or the Board of Pardons and Parole, impose as a
1260 sanction for an individual's violation of the terms of probation or parole a period of
1261 incarceration of not more than three consecutive days and not more than a total of five days
1262 within a period of 30 days.

1263 (3) (a) By following the procedures in Subsection (3)(b), the department may
1264 investigate the following occurrences at state correctional facilities:

1265 (i) criminal conduct of departmental employees;

- 1266 (ii) felony crimes resulting in serious bodily injury;
1267 (iii) death of any person; or
1268 (iv) aggravated kidnaping.
- 1269 (b) Prior to investigating any occurrence specified in Subsection (3)(a), the department
1270 shall:
- 1271 (i) notify the sheriff or other appropriate law enforcement agency promptly after
1272 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has
1273 occurred; and
- 1274 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
1275 conduct an investigation involving an occurrence specified in Subsection (3)(a).
- 1276 (4) Upon request, the department shall provide copies of investigative reports of
1277 criminal conduct to the sheriff or other appropriate law enforcement agencies.
- 1278 (5) The Department of Corrections shall collect accounts receivable ordered by the
1279 district court as a result of prosecution for a criminal offense according to the requirements and
1280 during the time periods established in Subsection 77-18-1(9).
- 1281 Section 31. Section 67-3-1 is amended to read:
- 1282 **67-3-1. Functions and duties.**
- 1283 (1) (a) The state auditor is the auditor of public accounts and is independent of any
1284 executive or administrative officers of the state.
- 1285 (b) The state auditor is not limited in the selection of personnel or in the determination
1286 of the reasonable and necessary expenses of the state auditor's office.
- 1287 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
1288 financial statements showing:
- 1289 (a) the condition of the state's finances;
1290 (b) the revenues received or accrued;
1291 (c) expenditures paid or accrued;
1292 (d) the amount of unexpended or unencumbered balances of the appropriations to the
1293 agencies, departments, divisions, commissions, and institutions; and
1294 (e) the cash balances of the funds in the custody of the state treasurer.
- 1295 (3) (a) The state auditor shall:
- 1296 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of

1297 any department of state government or any independent agency or public corporation as the law
1298 requires, as the auditor determines is necessary, or upon request of the governor or the
1299 Legislature;

1300 (ii) perform the audits in accordance with generally accepted auditing standards and
1301 other auditing procedures as promulgated by recognized authoritative bodies;

1302 (iii) as the auditor determines is necessary, conduct the audits to determine:

1303 (A) honesty and integrity in fiscal affairs;

1304 (B) accuracy and reliability of financial statements;

1305 (C) effectiveness and adequacy of financial controls; and

1306 (D) compliance with the law.

1307 (b) If any state entity receives federal funding, the state auditor shall ensure that the
1308 audit is performed in accordance with federal audit requirements.

1309 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
1310 appropriation to the state auditor from the General Fund.

1311 (ii) If an appropriation is not provided, or if the federal government does not
1312 specifically provide for payment of audit costs, the costs of the federal compliance portions of
1313 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
1314 bears to the total federal funds received by the state.

1315 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
1316 funds passed through the state to local governments and to reflect any reduction in audit time
1317 obtained through the use of internal auditors working under the direction of the state auditor.

1318 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
1319 financial audits, and as the auditor determines is necessary, conduct performance and special
1320 purpose audits, examinations, and reviews of any entity that receives public funds, including a
1321 determination of any or all of the following:

1322 (i) the honesty and integrity of all its fiscal affairs;

1323 (ii) whether or not its administrators have faithfully complied with legislative intent;

1324 (iii) whether or not its operations have been conducted in an efficient, effective, and
1325 cost-efficient manner;

1326 (iv) whether or not its programs have been effective in accomplishing the intended
1327 objectives; and

1328 (v) whether or not its management, control, and information systems are adequate,
1329 effective, and secure.

1330 (b) The auditor may not conduct performance and special purpose audits,
1331 examinations, and reviews of any entity that receives public funds if the entity:

1332 (i) has an elected auditor; and

1333 (ii) has, within the entity's last budget year, had its financial statements or performance
1334 formally reviewed by another outside auditor.

1335 (5) The state auditor shall administer any oath or affirmation necessary to the
1336 performance of the duties of the auditor's office, and may subpoena witnesses and documents,
1337 whether electronic or otherwise, and examine into any matter that the auditor considers
1338 necessary.

1339 (6) The state auditor may require all persons who have had the disposition or
1340 management of any property of this state or its political subdivisions to submit statements
1341 regarding it at the time and in the form that the auditor requires.

1342 (7) The state auditor shall:

1343 (a) except where otherwise provided by law, institute suits in Salt Lake County in
1344 relation to the assessment, collection, and payment of its revenues against:

1345 (i) persons who by any means have become entrusted with public money or property
1346 and have failed to pay over or deliver the money or property; and

1347 (ii) all debtors of the state;

1348 (b) collect and pay into the state treasury all fees received by the state auditor;

1349 (c) perform the duties of a member of all boards of which the state auditor is a member
1350 by the constitution or laws of the state, and any other duties that are prescribed by the
1351 constitution and by law;

1352 (d) stop the payment of the salary of any state official or state employee who:

1353 (i) refuses to settle accounts or provide required statements about the custody and
1354 disposition of public funds or other state property;

1355 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
1356 board or department head with respect to the manner of keeping prescribed accounts or funds;
1357 or

1358 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the

1359 official's or employee's attention;

1360 (e) establish accounting systems, methods, and forms for public accounts in all taxing
1361 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

1362 (f) superintend the contractual auditing of all state accounts;

1363 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
1364 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that
1365 officials and employees in those taxing units comply with state laws and procedures in the
1366 budgeting, expenditures, and financial reporting of public funds; and

1367 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
1368 if necessary, to ensure that officials and employees in the county comply with Section
1369 [59-2-303.1](#).

1370 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
1371 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
1372 written notice of noncompliance from the auditor and has been given 60 days to make the
1373 specified corrections.

1374 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
1375 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
1376 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
1377 state auditor:

1378 (i) shall provide a recommended timeline for corrective actions; and

1379 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
1380 state; and

1381 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
1382 account of a financial institution by filing an action in district court requesting an order of the
1383 court to prohibit a financial institution from providing the fee-assessing unit access to an
1384 account.

1385 (c) The state auditor shall remove a limitation on accessing funds under Subsection
1386 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
1387 financial reporting of public funds.

1388 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1389 state law, the state auditor:

1390 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1391 comply;

1392 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1393 state; and

1394 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1395 account of a financial institution by:

1396 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
1397 the institution prohibit access to the account; or

1398 (B) filing an action in district court requesting an order of the court to prohibit a
1399 financial institution from providing the taxing or fee-assessing unit access to an account.

1400 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
1401 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
1402 (8)(d).

1403 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1404 received formal written notice of noncompliance from the auditor and has been given 60 days
1405 to make the specified corrections.

1406 (10) Notwithstanding Subsection (7)(g), (7)(h), (8)(b), or (8)(d) the state auditor:

1407 (a) shall authorize a disbursement by a state or local taxing or fee-assessing unit if the
1408 disbursement is necessary to:

1409 (i) avoid a major disruption in the operations of the state or local taxing or
1410 fee-assessing unit; or

1411 (ii) meet debt service obligations; and

1412 (b) may authorize a disbursement by a state or local taxing or fee-assessing unit as the
1413 state auditor determines is appropriate.

1414 (11) The state auditor shall:

1415 (a) establish audit guidelines and procedures for audits of local mental health and
1416 substance abuse authorities and their contract providers, conducted pursuant to Title 17,
1417 Chapter 43, Part 2, Local Substance Abuse Authorities, and Title 17, Chapter 43, Part 3, Local
1418 Mental Health Authorities, Title 51, Chapter 2a, Accounting Reports from Political
1419 Subdivisions, Interlocal Organizations, and Other Local Entities Act, and Title 62A, Chapter
1420 15, Substance Abuse and Mental Health Act; and

1421 (b) ensure that those guidelines and procedures provide assurances to the state that:

1422 (i) state and federal funds appropriated to local mental health authorities are used for
1423 mental health purposes;

1424 (ii) a private provider under an annual or otherwise ongoing contract to provide
1425 comprehensive mental health programs or services for a local mental health authority is in
1426 compliance with state and local contract requirements, and state and federal law;

1427 (iii) state and federal funds appropriated to local substance abuse authorities are used
1428 for substance abuse programs and services; and

1429 (iv) a private provider under an annual or otherwise ongoing contract to provide
1430 comprehensive substance abuse programs or services for a local substance abuse authority is in
1431 compliance with state and local contract requirements, and state and federal law.

1432 (12) The state auditor may, in accordance with the auditor's responsibilities for political
1433 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political
1434 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or
1435 investigations of any political subdivision that are necessary to determine honesty and integrity
1436 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of
1437 financial controls and compliance with the law.

1438 (13) (a) The state auditor may not audit work that the state auditor performed before
1439 becoming state auditor.

1440 (b) If the state auditor has previously been a responsible official in state government
1441 whose work has not yet been audited, the Legislature shall:

1442 (i) designate how that work shall be audited; and

1443 (ii) provide additional funding for those audits, if necessary.

1444 (14) The state auditor shall:

1445 (a) with the assistance, advice, and recommendations of an advisory committee
1446 appointed by the state auditor from among local district boards of trustees, officers, and
1447 employees and special service district boards, officers, and employees:

1448 (i) prepare a Uniform Accounting Manual for Local Districts that:

1449 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
1450 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -
1451 Local Districts, and special service districts under Title 17D, Chapter 1, Special Service

1452 District Act;

1453 (B) conforms with generally accepted accounting principles; and

1454 (C) prescribes reasonable exceptions and modifications for smaller districts to the

1455 uniform system of accounting, budgeting, and reporting;

1456 (ii) maintain the manual under Subsection (14)(a) so that it continues to reflect

1457 generally accepted accounting principles;

1458 (iii) conduct a continuing review and modification of procedures in order to improve

1459 them;

1460 (iv) prepare and supply each district with suitable budget and reporting forms; and

1461 (v) (A) prepare instructional materials, conduct training programs, and render other

1462 services considered necessary to assist local districts and special service districts in

1463 implementing the uniform accounting, budgeting, and reporting procedures; and

1464 (B) ensure that any training described in Subsection (14)(a)(v)(A) complies with Title

1465 63G, Chapter 21, State Training and Certification Requirements; and

1466 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices

1467 and experiences of specific local districts and special service districts selected by the state

1468 auditor and make the information available to all districts.

1469 (15) (a) The following records in the custody or control of the state auditor are

1470 protected records under Title 63G, Chapter 2, Government Records Access and Management

1471 Act:

1472 (i) records that would disclose information relating to allegations of personal

1473 misconduct, gross mismanagement, or illegal activity of a past or present governmental

1474 employee if the information or allegation cannot be corroborated by the state auditor through

1475 other documents or evidence, and the records relating to the allegation are not relied upon by

1476 the state auditor in preparing a final audit report;

1477 (ii) records and audit workpapers to the extent they would disclose the identity of a

1478 person who during the course of an audit, communicated the existence of any waste of public

1479 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation

1480 adopted under the laws of this state, a political subdivision of the state, or any recognized entity

1481 of the United States, if the information was disclosed on the condition that the identity of the

1482 person be protected;

1483 (iii) before an audit is completed and the final audit report is released, records or drafts
1484 circulated to a person who is not an employee or head of a governmental entity for their
1485 response or information;

1486 (iv) records that would disclose an outline or part of any audit survey plans or audit
1487 program; and

1488 (v) requests for audits, if disclosure would risk circumvention of an audit.

1489 (b) The provisions of Subsections (15)(a)(i), (ii), and (iii) do not prohibit the disclosure
1490 of records or information that relate to a violation of the law by a governmental entity or
1491 employee to a government prosecutor or peace officer.

1492 (c) The provisions of this Subsection (15) do not limit the authority otherwise given to
1493 the state auditor to classify a document as public, private, controlled, or protected under Title
1494 63G, Chapter 2, Government Records Access and Management Act.

1495 (d) (i) As used in this Subsection (15)(d), "record dispute" means a dispute between the
1496 state auditor and the subject of an audit performed by the state auditor as to whether the state
1497 auditor may release a record, as defined in Section 63G-2-103, to the public that the state
1498 auditor gained access to in the course of the state auditor's audit but which the subject of the
1499 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records
1500 Access and Management Act.

1501 (ii) The state auditor may submit a record dispute to the State Records Committee,
1502 created in Section 63G-2-501, for a determination of whether the state auditor may, in
1503 conjunction with the state auditor's release of an audit report, release to the public the record
1504 that is the subject of the record dispute.

1505 (iii) The state auditor or the subject of the audit may seek judicial review of a State
1506 Records Committee determination under Subsection (15)(d)(ii), as provided in Section
1507 63G-2-404.

1508 (16) If the state auditor conducts an audit of an entity that the state auditor has
1509 previously audited and finds that the entity has not implemented a recommendation made by
1510 the state auditor in a previous audit, the state auditor shall notify the Legislative Management
1511 Committee through its audit subcommittee that the entity has not implemented that
1512 recommendation.

1513 Section 32. Section 67-5-1 is amended to read:

1514 **67-5-1. General duties.**

1515 The attorney general shall:

1516 (1) perform all duties in a manner consistent with the attorney-client relationship under
1517 Section 67-5-17;

1518 (2) except as provided in Sections 10-3-928 and 17-18a-403, attend the Supreme Court
1519 and the Court of Appeals of this state, and all courts of the United States, and prosecute or
1520 defend all causes to which the state or any officer, board, or commission of the state in an
1521 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
1522 state is interested;

1523 (3) after judgment on any cause referred to in Subsection (2), direct the issuance of
1524 process as necessary to execute the judgment;

1525 (4) account for, and pay over to the proper officer, all money that comes into the
1526 attorney general's possession that belongs to the state;

1527 (5) keep a file of all cases in which the attorney general is required to appear, including
1528 any documents and papers showing the court in which the cases have been instituted and tried,
1529 and whether they are civil or criminal, and:

1530 (a) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to
1531 judgment, a memorandum of the judgment and of any process issued if satisfied, and if not
1532 satisfied, documentation of the return of the sheriff;

1533 (b) if criminal, the nature of the crime, the mode of prosecution, the stage of
1534 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
1535 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
1536 prevention; and

1537 (c) deliver this information to the attorney general's successor in office;

1538 (6) exercise supervisory powers over the district and county attorneys of the state in all
1539 matters pertaining to the duties of their offices, and from time to time require of them reports of
1540 the condition of public business entrusted to their charge;

1541 (7) give the attorney general's opinion in writing and without fee to the Legislature or
1542 either house and to any state officer, board, or commission, and to any county attorney or
1543 district attorney, when required, upon any question of law relating to their respective offices;

1544 (8) when required by the public service or directed by the governor, assist any county,

1545 district, or city attorney in the discharge of county, district, or city attorney's duties;

1546 (9) purchase in the name of the state, under the direction of the state Board of
1547 Examiners, any property offered for sale under execution issued upon judgments in favor of or
1548 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
1549 consideration of the purchases;

1550 (10) when the property of a judgment debtor in any judgment mentioned in Subsection
1551 (9) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance
1552 taking precedence of the judgment in favor of the state, redeem the property, under the
1553 direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and
1554 pay all money necessary for the redemption, upon the order of the state Board of Examiners,
1555 out of any money appropriated for these purposes;

1556 (11) when in the attorney general's opinion it is necessary for the collection or
1557 enforcement of any judgment, institute and prosecute on behalf of the state any action or
1558 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
1559 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
1560 Examiners, out of any money not otherwise appropriated;

1561 (12) discharge the duties of a member of all official boards of which the attorney
1562 general is or may be made a member by the Utah Constitution or by the laws of the state, and
1563 other duties prescribed by law;

1564 (13) institute and prosecute proper proceedings in any court of the state or of the
1565 United States to restrain and enjoin corporations organized under the laws of this or any other
1566 state or territory from acting illegally or in excess of their corporate powers or contrary to
1567 public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations,
1568 and wind up their affairs;

1569 (14) institute investigations for the recovery of all real or personal property that may
1570 have escheated or should escheat to the state, and for that purpose, subpoena any persons
1571 before any of the district courts to answer inquiries and render accounts concerning any
1572 property, examine all books and papers of any corporations, and when any real or personal
1573 property is discovered that should escheat to the state, institute suit in the district court of the
1574 county where the property is situated for its recovery, and escheat that property to the state;

1575 (15) administer the Children's Justice Center as a program to be implemented in

1576 various counties pursuant to Sections 67-5b-101 through 67-5b-107;

1577 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
1578 Constitutional and Federalism Defense Act;

1579 (17) pursue any appropriate legal action to implement the state's public lands policy
1580 established in Section 63C-4a-103;

1581 (18) investigate and prosecute violations of all applicable state laws relating to fraud in
1582 connection with the state Medicaid program and any other medical assistance program
1583 administered by the state, including violations of Title 26, Chapter 20, Utah False Claims Act;

1584 (19) investigate and prosecute complaints of abuse, neglect, or exploitation of patients
1585 at:

1586 (a) health care facilities that receive payments under the state Medicaid program; and

1587 (b) board and care facilities, as defined in the federal Social Security Act, 42 U.S.C.
1588 Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility;

1589 (20) (a) report at least twice per year to the Legislative Management Committee on any
1590 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:

1591 (i) cost the state more than \$500,000; or

1592 (ii) require the state to take legally binding action that would cost more than \$500,000
1593 to implement; and

1594 (b) if the meeting is closed, include an estimate of the state's potential financial or other
1595 legal exposure in that report; ~~and~~

1596 (21) if the attorney general operates the Office of the Attorney General or any portion
1597 of the Office of the Attorney General as an internal service fund agency in accordance with
1598 Section 67-5-4, submit to the rate committee established in Section 67-5-34:

1599 (a) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and

1600 (b) any other information or analysis requested by the rate committee[-]; and

1601 (22) ensure that any training required under this chapter complies with Title 63G,
1602 Chapter 21, State Training and Certification Requirements.

1603 Section 33. Section 67-5a-1 is amended to read:

1604 **67-5a-1. Utah Prosecution Council -- Duties -- Membership.**

1605 (1) There is created within the Office of the Attorney General the Utah Prosecution
1606 Council, referred to as the council in this chapter.

- 1607 (2) The council shall:
- 1608 (a) (i) provide training and continuing legal education for state and local prosecutors;
- 1609 and
- 1610 (ii) ensure that any training or continuing legal education described in Subsection
- 1611 (2)(a)(i) complies with Title 63G, Chapter 21, State Training and Certification Requirements;
- 1612 (b) provide assistance to local prosecutors; and
- 1613 (c) as funds are available and as are budgeted for this purpose, provide reimbursement
- 1614 for unusual expenses related to prosecution for violations of state laws.
- 1615 (3) The council shall be composed of 10 members, selected as follows:
- 1616 (a) the attorney general or a designated representative;
- 1617 (b) the commissioner of public safety or a designated representative;
- 1618 (c) four currently serving county or district attorneys designated by the county or
- 1619 district attorneys' section of the Utah Association of Counties; a county or district attorney's
- 1620 term expires when a successor is designated by the county or district attorneys' section or when
- 1621 he is no longer serving as a county attorney or district attorney, whichever occurs first;
- 1622 (d) two city prosecutors designated by the Utah Municipal Attorneys Association; a
- 1623 city prosecutor's term expires when a successor is designated by the association or when he is
- 1624 no longer employed as a city prosecutor, whichever occurs first;
- 1625 (e) the chair of the Board of Directors of the Statewide Association of Public Attorneys
- 1626 of Utah; and
- 1627 (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.
- 1628 Section 34. Section **67-5b-102** is amended to read:
- 1629 **67-5b-102. Children's Justice Center -- Duties of center.**
- 1630 (1) (a) There is established a program, known as the Children's Justice Center Program,
- 1631 that provides a comprehensive, multidisciplinary, intergovernmental response to child abuse
- 1632 victims in a facility known as a Children's Justice Center.
- 1633 (b) The attorney general shall administer the program.
- 1634 (c) The attorney general shall:
- 1635 (i) allocate the funds appropriated by a line item pursuant to Section **67-5b-103**;
- 1636 (ii) administer applications for state and federal grants and subgrants;
- 1637 (iii) staff the Advisory Board on Children's Justice;

- 1638 (iv) assist in the development of new centers;
- 1639 (v) coordinate services between centers;
- 1640 (vi) contract with counties and other entities for the provision of services;
- 1641 (vii) (A) provide training, technical assistance, and evaluation to centers; and
- 1642 (B) ensure that any training described in Subsection (1)(c)(vii)(A) complies with Title
- 1643 63G, Chapter 21, State Training and Certification Requirements; and
- 1644 (viii) provide other services to comply with established minimum practice standards as
- 1645 required to maintain the state's and centers' eligibility for grants and subgrants.
- 1646 (2) (a) The attorney general shall establish Children's Justice Centers, satellite offices,
- 1647 or multidisciplinary teams in Beaver County, Box Elder County, Cache County, Carbon
- 1648 County, Davis County, Duchesne County, Emery County, Grand County, Iron County, Kane
- 1649 County, Salt Lake County, San Juan County, Sanpete County, Sevier County, Summit County,
- 1650 Tooele County, Uintah County, Utah County, Wasatch County, Washington County, and
- 1651 Weber County.
- 1652 (b) The attorney general may establish other centers, satellites, or multidisciplinary
- 1653 teams within a county and in other counties of the state.
- 1654 (3) The attorney general and each center shall:
- 1655 (a) coordinate the activities of the public agencies involved in the investigation and
- 1656 prosecution of child abuse cases and the delivery of services to child abuse victims and child
- 1657 abuse victims' families;
- 1658 (b) provide a neutral, child-friendly program, where interviews are conducted and
- 1659 services are provided to facilitate the effective and appropriate disposition of child abuse cases
- 1660 in juvenile, civil, and criminal court proceedings;
- 1661 (c) facilitate a process for interviews of child abuse victims to be conducted in a
- 1662 professional and neutral manner;
- 1663 (d) obtain reliable and admissible information that can be used effectively in child
- 1664 abuse cases in the state;
- 1665 (e) maintain a multidisciplinary team that includes representatives of public agencies
- 1666 involved in the investigation and prosecution of child abuse cases and in the delivery of
- 1667 services to child abuse victims and child abuse victims' families;
- 1668 (f) hold regularly scheduled case reviews with the multidisciplinary team;

- 1669 (g) coordinate and track:
- 1670 (i) investigation of the alleged offense; and
- 1671 (ii) preparation of prosecution;
- 1672 (h) maintain a working protocol that addresses the center's procedures for conducting
- 1673 forensic interviews and case reviews, and for ensuring a child abuse victim's access to medical
- 1674 and mental health services;
- 1675 (i) maintain a system to track the status of cases and the provision of services to child
- 1676 abuse victims and child abuse victims' families;
- 1677 (j) provide training for professionals involved in the investigation and prosecution of
- 1678 child abuse cases and in the provision of related treatment and services;
- 1679 (k) enhance community understanding of child abuse cases; and
- 1680 (l) provide as many services as possible that are required for the thorough and effective
- 1681 investigation of child abuse cases.

1682 (4) To assist a center in fulfilling the requirements and statewide purposes as provided
1683 in Subsection (3), each center may obtain access to any relevant juvenile court legal records
1684 and adult court legal records, unless sealed by the court.

1685 Section 35. Section **67-19-6** is amended to read:

1686 **67-19-6. Responsibilities of the executive director.**

- 1687 (1) The executive director shall:
- 1688 (a) develop, implement, and administer a statewide program of human resource
- 1689 management that will:
 - 1690 (i) aid in the efficient execution of public policy;
 - 1691 (ii) foster careers in public service for qualified employees; and
 - 1692 (iii) render assistance to state agencies in performing their missions;
- 1693 (b) design and administer the state pay plan;
- 1694 (c) design and administer the state classification system and procedures for determining
- 1695 schedule assignments;
- 1696 (d) design and administer the state recruitment and selection system;
- 1697 (e) administer agency human resource practices and ensure compliance with federal
- 1698 law, state law, and state human resource rules, including equal employment opportunity;
- 1699 (f) consult with agencies on decisions concerning employee corrective action and

1700 discipline;

1701 (g) maintain central personnel records;

1702 (h) perform those functions necessary to implement this chapter unless otherwise

1703 assigned or prohibited;

1704 (i) perform duties assigned by the governor or statute;

1705 (j) adopt rules for human resource management according to the procedures of Title

1706 63G, Chapter 3, Utah Administrative Rulemaking Act;

1707 (k) establish and maintain a management information system that will furnish the

1708 governor, the Legislature, and agencies with current information on authorized positions,

1709 payroll, and related matters concerning state human resources;

1710 (l) conduct research and planning activities to:

1711 (i) determine and prepare for future state human resource needs;

1712 (ii) develop methods for improving public human resource management; and

1713 (iii) propose needed policy changes to the governor;

1714 (m) study the character, causes, and extent of discrimination in state employment and

1715 develop plans for its elimination through programs consistent with federal and state laws

1716 governing equal employment opportunity in employment;

1717 (n) when requested by counties, municipalities, and other political subdivisions of the

1718 state, provide technical service and advice on human resource management at a charge

1719 determined by the executive director;

1720 (o) establish compensation policies and procedures for early voluntary retirement;

1721 (p) confer with the heads of other agencies about human resource policies and

1722 procedures;

1723 (q) submit an annual report to the governor and the Legislature; and

1724 (r) assist with the development of a vacant position report required under Subsection

1725 [63J-1-201\(2\)\(b\)\(vi\)](#).

1726 (2) (a) After consultation with the governor and the heads of other agencies, the

1727 executive director shall establish and coordinate statewide training programs, including and

1728 subject to available funding, the development of manager and supervisor training.

1729 (b) The programs developed under this Subsection (2) shall have application to more

1730 than one agency.

1731 (c) The department may not establish training programs that train employees to
1732 perform highly specialized or technical jobs and tasks.

1733 (d) The department shall ensure that any training program described in this Subsection
1734 (2) complies with Title 63G, Chapter 21, State Training and Certification Requirements.

1735 (3) (a) (i) The department may collect fees for training as authorized by this Subsection
1736 (3).

1737 (ii) Training funded from General Fund appropriations shall be treated as a separate
1738 program within the department budget.

1739 (iii) All money received from fees under this section will be accounted for by the
1740 department as a separate user driven training program.

1741 (iv) The user training program includes the costs of developing, procuring, and
1742 presenting training and development programs, and other associated costs for these programs.

1743 (b) (i) Funds remaining at the end of the fiscal year in the user training program are
1744 nonlapsing.

1745 (ii) Each year, as part of the appropriations process, the Legislature shall review the
1746 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require
1747 the department to lapse a portion of the funds.

1748 Section 36. Section **67-19e-110** is amended to read:

1749 **67-19e-110. Required training.**

1750 (1) Each year that an administrative law judge receives a performance evaluation
1751 conducted by the department under this chapter, the administrative law judge shall complete
1752 the procedural fairness training program described in this section.

1753 (2) The department shall establish a procedural fairness training program that includes
1754 training on how an administrative law judge's actions and behavior influence others'
1755 perceptions of the fairness of the adjudicative process.

1756 (3) The procedural fairness training program shall include discussion of the following
1757 elements of procedural fairness:

1758 (a) neutrality, including:

1759 (i) consistent and equal treatment of the individuals who appear before the
1760 administrative law judge;

1761 (ii) concern for the individual needs of the individuals who appear before the

1762 administrative law judge; and
1763 (iii) unhurried and careful deliberation;
1764 (b) respectful treatment of others; and
1765 (c) providing individuals a voice and opportunity to be heard.
1766 (4) The department may contract with a public or private person to develop or provide
1767 the procedural fairness training program.
1768 (5) The department shall ensure that the procedural fairness training program complies
1769 with Title 63G, Chapter 21, State Training and Certification Requirements.
1770 Section 37. Section 71-8-2 is amended to read:
1771 **71-8-2. Department of Veterans' and Military Affairs created -- Appointment of**
1772 **executive director -- Department responsibilities.**
1773 (1) There is created the Department of Veterans' and Military Affairs.
1774 (2) The governor shall appoint an executive director for the department, after
1775 consultation with the Veterans' Advisory Council, who is subject to Senate confirmation.
1776 (a) The executive director shall be an individual who:
1777 (i) has served on active duty in the armed forces for more than 180 consecutive days;
1778 (ii) was a member of a reserve component who served in a campaign or expedition for
1779 which a campaign medal has been authorized; or
1780 (iii) incurred an actual service-related injury or disability in the line of duty, whether or
1781 not that person completed 180 consecutive days of active duty; and
1782 (iv) was separated or retired under honorable conditions.
1783 (b) Any veteran or veteran's group may submit names to the council for consideration.
1784 (3) The department shall:
1785 (a) conduct and supervise all veteran activities as provided in this title;
1786 (b) determine which campaign or combat theater awards are eligible for a special group
1787 license plate in accordance with Section 41-1a-418;
1788 (c) verify that an applicant for a campaign or combat theater award special group
1789 license plate is qualified to receive it;
1790 (d) provide an applicant that qualifies a form indicating the campaign or combat theater
1791 award special group license plate for which the applicant qualifies; **[and]**
1792 (e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative

1793 Rulemaking Act, to carry out the provisions of this title[-]; and
1794 (f) ensure that any training or certification required of a public official or public
1795 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
1796 21, State Training and Certification Requirements, if the training or certification is required:
1797 (i) under this title;
1798 (ii) by the department; or
1799 (iii) by an agency or division within the department.
1800 (4) Nothing in this chapter shall be construed as altering or preempting the provisions
1801 of Title 39, Militia and Armories, as specifically related to the Utah National Guard.
1802 Section 38. Section 72-1-201 is amended to read:
1803 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
1804 **rights, and responsibilities.**
1805 (1) There is created the Department of Transportation which shall:
1806 (a) have the general responsibility for planning, research, design, construction,
1807 maintenance, security, and safety of state transportation systems;
1808 (b) provide administration for state transportation systems and programs;
1809 (c) implement the transportation policies of the state;
1810 (d) plan, develop, construct, and maintain state transportation systems that are safe,
1811 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
1812 industry;
1813 (e) establish standards and procedures regarding the technical details of administration
1814 of the state transportation systems as established by statute and administrative rule;
1815 (f) advise the governor and the Legislature about state transportation systems needs;
1816 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
1817 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
1818 rights-of-way;
1819 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1820 make policy and rules for the administration of the department, state transportation systems,
1821 and programs; [~~and~~]
1822 (i) annually report to the Transportation Interim Committee, by November 30 of each
1823 year, as to the:

1824 (i) operation, maintenance, condition, and safety needs for highways; and
1825 (ii) condition, safety, and mobility of the state transportation system jointly with the
1826 Transportation Commission[-]; and

1827 (j) ensure that any training or certification required of a public official or public
1828 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
1829 21, State Training and Certification Requirements, if the training or certification is required:

- 1830 (i) under this title;
1831 (ii) by the department; or
1832 (iii) by an agency or division within the department.

1833 (2) (a) The department shall exercise reasonable care in designing, constructing, and
1834 maintaining a state highway in a reasonably safe condition for travel.

1835 (b) Nothing in this section shall be construed as:

- 1836 (i) creating a private right of action; or
1837 (ii) expanding or changing the department's common law duty as described in
1838 Subsection (2)(a) for liability purposes.

1839 Section 39. Section **76-9-907** is amended to read:

1840 **76-9-907. Training for participating law enforcement officers.**

1841 The sheriff or chief of police implementing this part shall ensure that:

1842 (1) all officers charged with enforcing this part successfully complete appropriate
1843 training on identification of gang members and criminal street gangs[-]; and

1844 (2) any training described in this section complies with Title 63G, Chapter 21, State
1845 Training and Certification Requirements.

1846 Section 40. Section **78A-2-107** is amended to read:

1847 **78A-2-107. Court administrator -- Powers, duties, and responsibilities.**

1848 Under the general supervision of the presiding officer of the Judicial Council, and
1849 within the policies established by the council, the administrator shall:

- 1850 (1) organize and administer all of the nonjudicial activities of the courts;
1851 (2) assign, supervise, and direct the work of the nonjudicial officers of the courts;
1852 (3) implement the standards, policies, and rules established by the council;
1853 (4) formulate and administer a system of personnel administration, including in-service
1854 training programs;

- 1855 (5) prepare and administer the state judicial budget, fiscal, accounting, and
1856 procurement activities for the operation of the courts of record, and assist justices' courts in
1857 their budgetary, fiscal, and accounting procedures;
- 1858 (6) conduct studies of the business of the courts, including the preparation of
1859 recommendations and reports relating to them;
- 1860 (7) develop uniform procedures for the management of court business, including the
1861 management of court calendars;
- 1862 (8) maintain liaison with the governmental and other public and private groups having
1863 an interest in the administration of the courts;
- 1864 (9) establish uniform policy concerning vacations and sick leave for judges and
1865 nonjudicial officers of the courts;
- 1866 (10) establish uniform hours for court sessions throughout the state and may, with the
1867 consent of the presiding officer of the Judicial Council, call and appoint justices or judges of
1868 courts of record to serve temporarily as Court of Appeals, district court, or juvenile court
1869 judges and set reasonable compensation for their services;
- 1870 (11) when necessary for administrative reasons, change the county for trial of any case
1871 if no party to the litigation files timely objections to this change;
- 1872 (12) (a) organize and administer a program of continuing education for judges and
1873 support staff, including training for justice court judges; and
- 1874 (b) ensure that any training or continuing education described in Subsection (12)(a)
1875 complies with Title 63G, Chapter 21, State Training and Certification Requirements;
- 1876 (13) provide for an annual meeting for each level of the courts of record, and the
1877 annual judicial conference; and
- 1878 (14) perform other duties as assigned by the presiding officer of the council.
- 1879 Section 41. Section **78B-6-204** is amended to read:
- 1880 **78B-6-204. Dispute Resolution Programs -- Director -- Duties -- Report.**
- 1881 (1) Within the Administrative Office of the Courts, there shall be a director of Dispute
1882 Resolution Programs, appointed by the state court administrator.
- 1883 (2) The director shall be an employee of the Administrative Office of the Courts and
1884 shall be responsible for the administration of all court-annexed Dispute Resolution Programs.
1885 The director shall have duties, powers, and responsibilities as the Judicial Council may

1886 determine. The qualifications for employment of the director shall be based on training and
1887 experience in the management, principles, and purposes of alternative dispute resolution
1888 procedures.

1889 (3) In order to implement the purposes of this part, the Administrative Office of the
1890 Courts may employ or contract with ADR providers or ADR organizations on a case-by-case
1891 basis, on a service basis, or on a program basis. [~~ADR providers and organizations shall be~~
1892 ~~subject to the rules and fees set by the Judicial Council.~~]

1893 (4) The Administrative Office of the Courts shall:

1894 (a) establish programs for training ADR providers and orienting attorneys and their
1895 clients to ADR programs and procedures[-]; and

1896 (b) ensure that any training described in Subsection (4)(a) complies with Title 63G,
1897 Chapter 21, State Training and Certification Requirements.

1898 (5) ADR providers and organizations are subject to the rules and fees set by the
1899 Judicial Council.

1900 [(4)] (6) An ADR provider is immune from all liability when conducting proceedings
1901 under the rules of the Judicial Council and the provisions of this part, except for wrongful
1902 disclosure of confidential information, to the same extent as a judge of the courts in this state.

1903 [(5)] (7) (a) The director shall report annually to the Supreme Court, the Judicial
1904 Council, the governor, and the Utah State Bar on the operation of the Dispute Resolution
1905 Programs.

1906 (b) The director shall provide the report to the Judiciary Interim Committee, if
1907 requested by the committee.

1908 (c) Copies of the report shall be available to the public at the Administrative Office of
1909 the Courts.

1910 (d) The report shall include:

1911 (i) identification of participating judicial districts and the methods of alternative
1912 dispute resolution that are available in those districts;

1913 (ii) the number and types of disputes received;

1914 (iii) the methods of alternative dispute resolution to which the disputes were referred;

1915 (iv) the course of the referral;

1916 (v) the status of cases referred to alternative dispute resolution or the disposition of

1917 these disputes; and

1918 (vi) any problems encountered in the administration of the program and the
1919 recommendations of the director as to the continuation or modification of any program.

1920 (e) Nothing may be included in a report which would impair the privacy or
1921 confidentiality of any specific ADR proceeding.

1922 Section 42. Section **79-2-202** is amended to read:

1923 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
1924 **Responsibilities.**

1925 (1) (a) The chief administrative officer of the department is an executive director
1926 appointed by the governor with the consent of the Senate.

1927 (b) The executive director may be removed at the will of the governor.

1928 (c) The executive director shall receive a salary established by the governor within the
1929 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1930 (2) The executive director shall:

1931 (a) administer and supervise the department and provide for coordination and
1932 cooperation among the boards, divisions, councils, and committees of the department;

1933 (b) approve the budget of each board and division;

1934 (c) participate in regulatory proceedings as appropriate for the functions and duties of
1935 the department;

1936 (d) report at the end of each fiscal year to the governor on department, board, and
1937 division activities; [~~and~~]

1938 (e) ensure that any training or certification required of a public official or public
1939 employee, as those terms are defined in Section 63G-21-102, complies with Title 63G, Chapter
1940 21, State Training and Certification Requirements, if the training or certification is required:

1941 (i) under this title;

1942 (ii) by the department; or

1943 (iii) by an agency or division within the department; and

1944 [~~e~~] (f) perform other duties as provided by statute.

1945 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
1946 Funds Procedures Act, the executive director, may accept an executive or legislative provision
1947 that is enacted by the federal government, whereby the state may participate in the distribution,

1948 disbursement, or administration of a fund or service from the federal government for purposes
1949 consistent with the powers and duties of the department.

1950 (4) (a) The executive director, in cooperation with the governmental entities having
1951 policymaking authority regarding natural resources, may engage in studies and comprehensive
1952 planning for the development and conservation of the state's natural resources.

1953 (b) The executive director shall submit any plan to the governor for review and
1954 approval.